

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MARCH 14, 2019

Presiding: Mayor David D. Ogden
Meeting Convened at 6:30 p.m.
Prayer: Joy Ball
Pledge of Allegiance

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilors Brent Barrus, Vaun Waddell, Joy M. Ball, and Bruce King; City Building Inspector Cliff Morris; Planning and Zoning Chairman Dave Thompson; Design Review Chairman Paul Jeppson; Forsgren Associates Project Engineer Randy Johnson; Old Farm Estates Developer Ryan Lerwill, *Standard Journal* Reporter Lisa Smith; Citizens Sharon Bell, Dan Black, Timothy Frogue, Grant Johnson, Kimber Jones, Jill Moss, Ron Smith, and DeVerl Stoddard. Councilman Waddell arrived at 7:15 p.m.

MINUTES: Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on Thursday, February 28, 2019. Each councilmember had a copy of the minutes prior to the meeting. The council tabled the minutes until the next meeting in order to give Councilwoman Ball more time to review the audio recording and make additions to the minutes.

Mayor Ogden asked if there were any corrections to the minutes of the public hearing and special meeting held on Wednesday, March 6, 2019. Each councilmember had a copy of the minutes prior to the meeting. The council tabled the minutes until the next meeting in order to give Councilwoman Ball more time to review the audio recording and make additions to the minutes.

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

Wendy presented the current bills in the amount of \$366,805.19. It was moved by Councilman King and seconded by Councilwoman Ball to pay the current bills, together with all regular March bills; motion carried.

WELL HOUSE BID AWARD: The council awarded Industrial Construction, Inc., of Idaho Falls, the contract to construct the new well house in Old Farm Estates. Industrial Construction was low bidder at \$939,000. The two other bidding companies were Dome Technologies, Inc. (\$1,005,600) and Eagle Rock Timber, Inc. (\$1,074,787), making bids comparable. Forsgren Associates Project Engineer Randy Johnson was confident Industrial Construction, which is new to the area, would do a good job. The company will post the required construction bond. The well house project includes installation of pumps and electrical accessories, but not the SCADA system, site power, landscaping, and generator.

RESOLUTION NO. 2019-1 (Authorization to Award Well House Bid to Industrial Construction, Inc.) – Resolution No. 2019-1 was presented to the council and read in full.

MOTION: It was moved by Councilman King and seconded by Councilman Barrus to approve the bid award.

Those voting aye: Councilors Barrus, Ball, and King

Those voting nay: None

A copy of said resolution is attached hereto marked “Attachment #1.”

2018 AUDIT REPORT: No report

PLANNING AND ZONING REPORT: Dave Thompson reported on the following items:

Idaho Highway 33 Business Annexation: Mr. Thompson reported that the commission tabled the annexation to obtain more information on the city’s impact area ratio and the Salem area. The commission has been working on the proposed Salem annexation area and will need to request a joint committee meeting with the county and Rexburg.

Final Plat Process: No report

Land Use Schedule: Still in process. Again, a public hearing date is hoped to be set soon.

City Code 9-1-3 and 9-1-4: Still in process. Again, a public hearing date is hoped to be set soon.

Development Interest: Dave reported that one or two developers contact him each week.

ASAP Area Sector Analysis Process: Mr. Thompson gave a lengthy report on a free economic development opportunity survey that could help Sugar City pinpoint potential businesses desired for this area. Councilman King asked if this is a new survey or an addition to the survey taken a couple of years ago. Dave responded that the survey is an addition to the earlier survey and will take approximately 8 to 10 minutes to complete, with information potentially to be sent out via the city’s email listings for citizens. The survey can be taken for the area or just the city itself. The council felt it would be better to get the information for Sugar City.

AMEND AGENDA: Councilwoman Ball felt she had to amend the agenda in order to put the item before the council. The mayor was reluctant because the city has had to rely on Mason’s Rules in order to move forward as mandated by the court with only two councilors Brent Barrus and Joy Ball. Councilmen Waddell and King are not able to participate on items pertaining to Old Farm Estates Division #3 because of a court ruling of bias.

MOTION: It was moved by Councilwoman Ball and seconded by Councilman King to amend the agenda to include an item entitled, “Discussion of Rules Governing Conduct of Public Meetings”; motion carried. The mayor asked if discussion could be done after Randy Johnson’s report so that he would not need to stay longer than necessary.

PLANNING AND ZONING CANDIDATES: The council approved Justin Merrill and Christine “Sam” Lines as new Planning and Zoning commissioners. Christine served on the commission in prior years. Justin Merrill is a grandson to former mayor Mont Merrill.

MOTION: It was moved by Councilman Waddell and seconded by Councilwoman Ball to appoint Christine Lines and Justin Merrill to the commission; motion carried.

ALLOWABLE USES FOR WATER PERMITS: The mayor reported that the city's water permits, which are granted by the state, only limit the amount of potable water used at one time and prohibit geothermal water use. A new adjustment to the water-fee schedule for heavy water users such as turf farms can be added to the fee schedule. The item will be put on the next agenda for further discussion and possible action.

IMPACT FEE STUDY: The council discussed types of impact fees and why it might benefit the city to look at additional impact fees to cover the increased costs for parks, streets, police, and fire of new growth. The fee would be a one-time charge on a new home or commercial building to help pay the extra cost of supplying that structure with these services. Councilman King will get additional information to the council, since the mayor was looking at water/sewer impact fees. The item will be put on the next agenda for further discussion.

CANVASS OF RECALL ELECTION RESULTS: The council accepted the canvassed recall election results from the county. The election was well attended, with more than 52.5% of registered voters voting. Mayor Ogden received 290 votes against and 177 votes for the recall, while Councilman Barrus received 294 votes against and 167 votes for the recall. Both Mayor Ogden and Councilman Barrus expressed gratitude for the overwhelming support.

MOTION: It was moved by Councilman Barrus and seconded by Councilman Waddell to accept the official canvassed recall election results; motion carried.

RULES GOVERNING CONDUCT OF PUBLIC MEETINGS: Councilwoman Ball brought before the council to consider part of a resolution to adopt a modified form of Robert's Rules of Order as parliamentary procedure to govern conduct and motions at all public meetings for Sugar City. The intent is to assist in observing Idaho Open Meeting Law and to help in conducting meetings in "orderly, predictable ways" and take away the ability of a council to move ahead if there is no second on a motion.

Councilwoman Ball read some of the rules she handed out to the council that she would like to be considered, however, she stated it was not a comprehensive list. Councilman Barrus asked if these were state rules, and Councilwoman Ball said they were her rules of conduct. However, there were authored by Councilman Waddell - see Attachment #2. The council will study the document and discuss it further at a later council meeting.

MAYOR'S REPORTS:

Public Hearing & Council Meeting Update: No Report

DEPARTMENT REPORTS:

COUNCILMAN BARRUS: No report

COUNCILMAN WADDELL: No report.

COUNCILWOMAN BALL: No report

COUNCILMAN KING: No report

Meeting adjourned at 8:20 p.m.

Signed: _____
David D. Ogden, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

The City of Sugar City, Idaho

Resolution No.: 2019 - 1

“A Resolution to Award Schedule III – Well 5 Pump Station to Industrial Construction, Inc.”

WHEREAS, the Council of the City of Sugar City, Idaho desires to contract for the construction of a new pump station for Well 5; and

WHEREAS, the Citizens of Sugar City have voted in favor of a bond to provide funding for improvement to the City Water System, including the construction of a new pump station; and

WHEREAS, the project to construct a new pump house was put out to bid in accordance with Idaho Code 67-2805 (2)(a); and

WHEREAS, the contracted firm of Forsgren Associates conducted the bid, and now recommends award to the low bidder, INDUSTRIAL CONSTRUCTION, INC., for the amount of \$939,000.00.

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 enter into an agreement between the City of Sugar City and Industrial Construction, Inc. for the construction of a new pump station as referenced above for the bid price of \$939,000.00, and to execute any documents necessary to effectuate the agreement.

PASSED by the Council of the City of Sugar City on this 14th day of March, 2019

APPROVED by the Mayor of the City of Sugar City on this 14th day of March, 2019.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer

The City of Sugar City, Idaho

Resolution No.: 2019- _____

“A Resolution to Adopt and Approve a modified form of Roberts’ Rules of Order as Parliamentary Procedure to govern conduct and motions at all public meetings for the City of Sugar City.”

WHEREAS, according to Idaho Code 50-602, “[The presiding officer]...shall...preside...subject to such rules as the council may prescribe.”

WHEREAS,

WHEREAS,

WHEREAS,

NOW, THEREFORE...

The City of Sugar City, Idaho, hereby adopts the following rules of procedure to govern conduct and motions in all public meetings:

The intent of these rules is to assist in observing the Idaho Open Meeting Law (Idaho Code Title 74 Chapter 2 and the Idaho Open Meeting Law Manual published by the Office of the Attorney General) and in conducting meetings in orderly, predictable ways.

Adopting “Roberts’ Rules” or “Mason’s Rules” is not practical because these systems of rules are too complicated and technical for meetings in a small city. The Idaho Code empowers the city council to establish rules for meetings, pursuant to Idaho Code Title 50 Sections 602, 604, 607, and 705, and Sugar City Code 1-5-1B. These are some rules that might be considered. This list is not to be considered comprehensive.

1. The Idaho Open Meeting Law (Idaho Code 74-2) shall prevail. Anything in these rules or anything that occurs in a meeting that is not consistent with the Idaho Open Meeting Law is subject to challenge under provisions of the Idaho Open Meeting Law.
2. Regular meeting times are established by ordinance (Idaho Code 50-705), and the schedule can be altered only by a new ordinance. It shall be the usual practice to provide in the establishing ordinance that meetings not be scheduled on national holidays and other dates when it is not practical to meet.
3. For each meeting (regular or special) an agenda shall be prepared and posted. If a quorum is not present within a reasonable time, the meeting may be adjourned, in which case the adjournment shall be noted in the record along with names of those present.
4. If a quorum is not present at a meeting, the meeting may be called to order and agenda items that are not quasi-judicial may be discussed though not acted upon.

5. For a regular meeting, the agenda shall be provided in writing to meeting participants at least 48 hours before the meeting. It shall be the usual practice to provide a draft agenda five or six days before the meeting.

6. For a special meeting, the agenda shall be provided in writing to meeting participants as in rule #4 or as soon as agenda items are known.

7. If an amendment to the agenda is known prior to the start of the meeting, it shall be provided in writing to meeting participants as soon as the amendment is known. An amended agenda shall not be posted at city hall without also being provided to those involved in the meeting.

8. In case the agenda is amended or supplementary materials become available, packets prepared for meeting participants shall be updated whether already distributed or not. Participants shall be provided separate written notification of such updates as soon as the updates are known.

9. The council shall have the right to decide the sequence of agenda items in the meeting.

10. By majority vote of the quorum, a meeting may be recessed until a date and time stated in the motion to recess.

11. The person conducting a meeting may recess the meeting only for a short break, with the meeting to return to order after several minutes, or for reasons of public safety.

12. The following rules shall apply to motions.

a. No motion shall be received when a question is under debate except for the following:

1. To lay the matter on the table;
2. To call for the previous question;
3. To postpone;
4. To refer; or
5. To amend.

b. In presenting a motion, it shall be the usual practice to employ the phrase, "I move..." followed by the substance of the motion. The phrase "I motion..." is not desirable.

c. Wording of a motion may be negotiated when the motion is in process of being stated, but wording recorded in the minutes shall require explicit acceptance by the person making the motion. It shall be the usual practice for the person taking minutes to read the motion aloud before a vote is taken, or at any other time as requested.

d. A motion may be withdrawn at any time by the mover with consent of the seconder.

e. A motion shall require a second in order for a vote to be taken on it. If a motion does not receive a second, it dies.

f. The council will discuss a motion only after it has been seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.

- g. A motion that is seconded cannot be withdrawn except by consent of the person who seconded it.
- h. A motion shall be reduced to writing if requested by a member of the council.
- i. After a motion is seconded and before a vote is taken on it, the person conducting the meeting shall call for discussion on the motion. It shall be the usual practice to restrict discussion between the second and the vote to matters related to the motion.
- j. Before a vote is taken on a motion, a participant may move to amend the motion. An amendment to a motion shall require a second in order for a vote to be taken on the amendment, and if seconded the amendment shall be voted on before a vote is taken on the original motion.
- k. A motion so amended shall proceed to a vote including any amendment(s) passed.
- l. An amended motion that does not pass with a majority of votes may have the original motion restated and proceed to a vote without the amendment(s).
- m. A participant may make a motion which contains several elements divided, and the mover shall have the right to designate the sequence in which the elements will be voted on.
- n. A call for the question shall be voted on immediately and fails without a majority vote.
- o. Prior to a vote, the motion shall be repeated, with its wording as stated by the mover.
- p. A motion to adjourn cannot be amended.

PASSED by the Council of the City of Sugar City on this ____ day of _____ 2019.

APPROVED by the Mayor of the City of Sugar City on this ____ day of _____ 2019.

(SEAL)

David D. Ogden,
Mayor

ATTEST:

Wendy McLaughlin,
City Clerk - Treasurer

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 6
MAYOR

50-602. MAYOR, ADMINISTRATIVE OFFICIAL. The mayor, except as provided in sections 50-801 through 50-812[, Idaho Code], shall be the chief administrative official of the city, preside over the meetings of the city council and determine the order of business subject to such rules as the council may prescribe, have a vote only when the council is equally divided, have the superintending control of all the officers and affairs of the city, preserve order, and take care that the ordinances of the city and provisions of this act are complied with and enforced.

History:

[50-602, added 1967, ch. 429, sec. 122, p. 1249.]

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 6
MAYOR

50-604. SPECIAL MEETINGS OF COUNCIL. The mayor shall have the power to call special meetings of the city council, the object of which shall be submitted to the council in writing; the call and object, as well as the disposition thereof, shall be entered upon the journal by the clerk.

History:

[50-604, added 1967, ch. 429, sec. 124, p. 1249.]

TITLE 50

MUNICIPAL CORPORATIONS
CHAPTER 6
MAYOR

50-607. GENERAL POWERS. The mayor shall have and exercise such powers, prerogatives and authority as is conferred by the laws of the state of Idaho or as may be conferred upon him by the city council, and shall have the power to administer oaths, and shall sign all contracts and conveyances in the name of and on behalf of the city.

TITLE 50
MUNICIPAL CORPORATIONS
CHAPTER 7
COUNCIL

50-705. MEETINGS OF COUNCIL - QUORUM - DISCIPLINE. Regular meetings of the city council shall be held each month at such place and times as the council may establish by ordinance. At all meetings of the council a majority of the full council shall constitute a quorum for the transaction of business; unless otherwise provided by law, a question before the council shall be decided by a majority of the members present.

For the purpose of holding regular or special meetings a number less than a majority may compel the attendance of absent members in such manner and under such penalties as the council may, by ordinance, have previously prescribed. Regular or special meetings of the council may be recessed until further notice.

History:

[50-705, added 1967, ch. 429, sec. 136, p. 1249.]

1-5-1 POWERS AND DUTIES

1. Powers and duties of the mayor are as set forth in Idaho Code, title 50, chapter 6.
2. They include, but are not limited to:
 1. Be chief administrative official of the city, presiding over and conducting meetings of the city council, and determining the order of business subject to rules that the council may prescribe. The mayor shall vote only when the council is equally divided, have superintending control of all city actions, preserve order, and oversee enforcement of ordinances.
 2. Be chief executive officer of the city, with authority to appoint, hire, terminate, discipline, supervise, and direct all officers and employees upon consent of the council. He or she shall, subject to confirmation by the council, appoint a city clerk, treasurer, attorney, and such other appointive officers deemed by the council to be necessary for city functions. He or she also shall appoint a planning and zoning commission. The mayor may suspend or remove any person from an appointive office, subject to the approval of a majority of the full council.
 3. Sign or veto any plan, ordinance, rule, resolution, regulation, or other action taken by the council (subject to SCC 1-6-1B5). Upon veto of an ordinance, the mayor shall submit his or her objections in writing at the next regular meeting of the council. If such written objections are not delivered, the ordinance becomes law without the mayor's signature. He or she also may administer oaths and have all powers, prerogatives, and authority conferred by ordinance, council resolution, and Idaho law.
 4. Communicate to the council such information and recommend such measures as, in his or her opinion, may improve city finances or protect the health, safety, morals, and welfare of city residents.
 5. Call special meetings of the council.
 6. Require any officer of the city to exhibit his or her accounts, files or other papers, and make written reports pertaining to his or her office before the council.
 7. Sign all contracts and conveyances in the name of and on behalf of the city.
 8. Execute all ordinances, resolutions, and contracts approved by the council, including deeds, bonds, warrants, and other agreements to which the city is party.
 9. At the beginning of each year, or when determined by the mayor, direct that the council nominate and elect a president and vice president.
 10. In the absence of the city clerk at city council meetings, appoint from among the members of the council present a city clerk pro tempore, who shall have the same rights, privileges, powers, and duties as the city clerk would have if present.
 11. Perform marriages, subject to state and county regulations.
 12. With council consent, invite council members to advise him or her on management and administration of a particular department and/or to provide oversight of a particular department.
 13. Appoint committees as provided in SCC 1-6-3A.
 14. With council consent, offer a reward not exceeding one thousand dollars (\$1,000.00) for the arrest and conviction of any person violating city ordinances.
 15. Declare natural disasters.