

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, FEBRUARY 23, 2023

Presiding: Mayor Adams

Meeting Via Internet and at City Hall Convened at 6:30 p.m.

Prayer: Councilman Dayley

Pledge of Allegiance: Mayor Adams

Present at City Hall and Online: Councilors Joy M. Ball, Glenn Dayley, and Catherine Nielsen; Public Works Director Arlynn Jacobson; City Building Inspector Quinton Owens; Planning and Zoning Administrator Kurt Hibbert; City Attorney Chase Hendricks; Madison County Commissioner Brent Mendenhall; Citizen Shane Berger; and others who may have joined electronically and otherwise but not identified.

WELCOME: Mayor Adams conducted the meeting and welcomed everyone present. The meetings were held at City Hall and live over the internet and those who wished to be present were invited to attend.

6:30 p.m. PUBLIC HEARING (Delinquent Utility Notice Revisions): If adopted the procedure of green letter notices and door knocker warnings would be discontinued and citizens would be notified on their monthly statements of any delinquencies or shut offs.

Citizens for, against, or neutral were given the opportunity to submit written comments or testify at the hearing. There were no written comments submitted.

In Favor: None

Neutral: None

Against: None

Public hearing closed.

6:40 p.m. PUBLIC HEARING (New Delinquent Utility and Service Fees): The late penalty fee would increase from 2% of past due amount to \$10. Disconnection and reconnection fees would increase from \$25 to \$40 (\$20 for disconnect and \$20 for reconnect); in addition a \$30 fee for after hour reconnection calls. A service fee of \$1 for mailed statements each month if customer chooses not to have their statement emailed.

Citizens for, against, or neutral were given the opportunity to submit written comments or testify at the hearing.

In Favor: None

Neutral: None

Against: None

Public hearing closed.

6:41 p.m. REGULAR COUNCIL MEETING CONVENED

CONSENT AGENDA:

MOTION: It was moved by Councilwoman Ball and seconded by Councilwoman Nielsen to approve the Consent Agenda; motion carried.

DELINQUENT UTILITY ORDINANCE NO. 380_2023: The council approved the new delinquent utility ordinance procedures for now. City Attorney Chase Hendricks will work with City Engineer Dick Dyer and Public Works Director Arlynn Jacobson in the next few weeks to do a more comprehensive update for water and sewer fees and procedures. Feedback will be taken into consideration using the newly adopted ordinance.

Ordinance No. 380_2023 was read by title reviewed by the council on at least three different meetings:

“UTILITY BILLING AND COLLECTION REVISIONS.”

It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley and Nielsen
Those voting nay: None

Ordinance No. 380_2023 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. 380_2023 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.

RESOLUTION NO. 2023-2: (Utility Penalty and Service Fees) -

MOTION: It was moved by Councilwoman Nielsen and seconded by Councilwoman Ball to approve the proposed new utility penalty and service fees. Thereupon, the Clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, and Nielsen
Those voting nay: None

Thereupon, the Mayor declared the motion passed. A copy of said resolution is attached hereto marked “Attachment 1”. The changes will be published in the city newsletter, website, and noticed on the utility billings.

RESOLUTION NO. 2023-3: (Transfer of Certain Real Property) –

MOTION: It was moved by Councilman Dayley and seconded by Councilwoman Nielsen to approve the Transfer of Certain Real Property Resolution. Thereupon, the Clerk called roll upon the motion.

Those voting aye: Councilors Ball, Dayley, and Nielsen
Those voting nay: None

Thereupon, the Mayor declared the motion passed. A copy of said resolution is attached hereto marked "Attachment 2". A public hearing date has been scheduled for Thursday, March 23, 2023.

PUBLIC COMMENTS: County Commissioner Brent Mendenhall was pleased with the intent of the city to move forward on the transfer the Business Park lot to the County for a coroner's office and dispatch center and feels it is in the best interest of both Sugar City and the County. The County Commissioners plan to discuss Resolution No. 2023-3 at their next meeting and will also include a discussion on improving the landscaping around the County Search and Rescue building.

PLANNING & ZONING REPORT:

Planning and Zoning Administrator and City Planner Kurt Hibbert reported on the following items:

Public Hearing: Mr. Hibbert reminded the council of the public hearing scheduled for Tuesday, February 28, 2023 for the Comprehensive Plan, Land Use Table, and Zoning Map. The public hearing will also include discussion a new regional commercial code.

Impact Area Agreement and State Legislation: Madison County is working on changing the impact area build out ordinance agreement between Sugar City, Rexburg, and Madison County. Jurisdiction authority cannot be relegated to another entity. There is current legislation before the Idaho courts which favors land owner rights and representation. The proposed legislation would do away with overlapping areas of impact.

PUBLIC WORKS REPORT: Public Works Director Arlynn Jacobson reported on the following items.

Secondary Irrigation System Grant: Mr. Jacobson is working with City Attorney Chase Hendricks and City Engineer Dick Dyer on a Drought Resiliency Grant. The grant requires a 50% match which can be met using developer, city engineer, and city man hour donations. Water shortage is a statewide issue and having a secondary irrigation system will help free up potable water. The grant opens in April.

5th South Completion: Mr. Jacobson will work with the County it getting the speed reduced where 5th South connects into Highway 33. Road build out is a top concern of the community. Straightening the "S Curve" on the south entrance to Sugar City would also help the flow of traffic and safety concerns.

No Parking Winter Season Extension: On street parking restriction for snow removal ends March 1. There are still several feet of snow and more forecast, however, the city will continue without extending the no parking restriction.

GENERAL BUSINESS:

Rexburg Madison County Recreation District

MOTION: It was moved by Councilman Dayley and seconded by Councilwoman Ball "the City of Sugar City does not support the current proposed recreation district"; motion carried.

Farmer Merchant Banquet: Scheduled for Thursday, April 27, 2023 at the same time of the regular council meeting. The Council will participate as a work meeting at the event and will discuss the details in staff meeting.

CALENDARED ITEMS:

Set for Public Hearing March 23, 2023 – no report.
Ordinance to Transfer Real Property

MAYOR AND COUNCIL REPORTS:

New Council Appointment: Mayor Adams appointed Daniel Baird to the council and asked for the council’s ratification at the next council meeting.

Tree and Beautification: The Tree and Beautification Commission have set Friday, May 12, 2023 as Arbor Day. They will have an art contest again this year, set a theme for the event, and invite home schooled children to participate.

Historic Preservation Board: The board met Thursday, February 16, 2023 7:00pm. They are currently working with City Attorney Chase Hendricks to become a tax free entity. They are working on their bylaws to submit to the state. They plan to have an informational booth for Sugar Days instead of a fund raiser.

Council President Nielsen: President Nielsen asked for a monthly report on the fiber project, she also appreciated the report from the Building Department. The council would also like to review the council salaries.

Motion was made for adjournment. Meeting adjourned at 8:05 p.m.

Signed: _____
Mayor Steven Adams

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

The City of Sugar City Idaho
Resolution No. 2023-2
“A Resolution to Approve Utility Delinquent and Service Fees.”

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

Effective February 23, 2023, the new Delinquent Utility Late Penalties shall be as follows:

UTILITY LATE PENALTY:

Late Penalty Fee \$10.00

Delinquent notices and shutoff tags will no longer be sent out by the city.

Utility bills will be delinquent on the first day (26th) following the due date of the 25th. Any payments made after four o'clock (4:00) P.M. on the 25th day of the month, shall incur a late fee of ten dollars (\$10.00). If the 25th day of the month falls on a holiday or weekend, the payment must be received by four o'clock (4:00) P.M. on the first working day after the 25th. Any utilities not paid in full by eight o'clock (8:00) A.M. on the first day of the month, will be disconnected unless approved payment arrangements have been made with the City office before.

DISCONNECT AND RECONNECT FEES:

Disconnect Fee \$20.00
Reconnect Fees \$20.00
After Hours Fee \$30.00

If utilities are disconnected, there will be a disconnect fee of twenty dollars (\$20.00) and a reconnect fee of twenty dollars (\$20.00). The current bill and any fees must be paid in full before the service will be reconnected. There is an after-hours fee of thirty dollars (\$30.00) between the hours of five o'clock (5:00) P.M. and eight o'clock (8:00) A.M., and on weekends and holidays

SERVICE FEES:


Paper Billing Statement Monthly Fee \$1.00/Connection

Customers are encouraged to sign up for paperless billing to avoid the monthly service fee.

PASSED by the Council of the City of Sugar City on this 23rd day of February, 2023

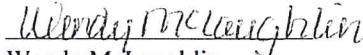
APPROVED by the Mayor of the City of Sugar City on this 23rd day of February, 2023.

(SEAL)



Steven Adams, Mayor

ATTEST:


Wendy McLaughlin,
City Clerk-Treasurer

CITY OF SUGAR CITY RESOLUTION 2023-3

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUGAR CITY MAKING FINDINGS; DECLARING INTENT TO TRANSFER CERTAIN REAL PROPERTY; DECLARING IT IS IN THE BEST INTEREST OF THE CITY TO TRANSFER CERTAIN REAL PROPERTY TO MADISON COUNTRY FOR USE AS A COUNTY CORONER'S OFFICE, DISPATCH CENTER, AND LAW ENFORCEMENT BUILDING; WITHOUT COMPENSATION; AND DIRECTING THE CLERK TO PUBLISH NOTICE OF THIS ACTION AND TO SET A PUBLIC HEARING ON THE INTENT TO TRANSFER CERTAIN REAL PROPERTY.

WHEREAS, the City of Sugar City, Idaho is a municipal corporation organized and operating under the laws of the state of Idaho; and

WHEREAS, pursuant to the provisions of Idaho Code §§ 50-1401, 50-1402, 50-1403 and 50-1407 Sugar City has the statutory power and authority to convey or exchange real property owned by the City and not needed for City purposes; and

WHEREAS, Idaho Code § 50-1403 provides that when a City Council determines it to be in the city's best interest that a transfer or conveyance be made, the City Council may, by ordinance duly enacted, authorize the transfer or conveyance of any real property owned by such city to any tax supported governmental unit, with or without consideration; and

WHEREAS, pursuant to the provisions of Idaho Code § 50-1402, the City Council at a public meeting on February 23rd, 2023, declared the value received from the transfer for the addition of a coroner's office, dispatch center, and law enforcement building is of greater value to the city and community than if sold for the value of the lot at \$72,000; and

WHEREAS, pursuant to the provisions of Idaho Code § 50-1402, on the 23rd day of February 2023, the City Council declared its intent on the record to transfer the subject property to Madison County, and the City Clerk to publish a summary of that action with a notice of public hearing on the matter at least fourteen (14) days prior to a hearing to consider the proposed transfer; and

WHEREAS, at its regular meeting on the 23rd day of February 2023, the City Council determined (a) that the subject property is underutilized and not needed for City purposes, (b) that the subject property shall be conveyed in accordance with the provisions set forth in Idaho Code § 50-1403;

SECTION 1: FINDINGS

- The City of Sugar City was duly formed and exists under and by virtue of Article XII of the Constitution of the State of Idaho and Title 50 of the Idaho Code.
- The City owns the Real Property as described on Exhibit A attached and

incorporated herein and hereinafter referred to as "Real Property".

- The Real Property is adjacent to property owned by Madison County, is no longer useful to the City, and would be better utilized for public purposes with ownership by Madison County to be used for a coroner's office, disptach center and law enforcement building.
- The City Council has the power and authority pursuant to Idaho Code Section 50-1401 to sell, exchange or convey, any real property owned by the City which is underutilized or which is not used for public purposes.
- Idaho Code § 50-1403(4) provides that a city may transfer or convey real property to another tax supported governmental unit with or without consideration as determined in the city's best interest.
- Chapter 14 of Title 50 Idaho Code prescribes a procedure to be followed regarding the disposition of city real property.
- The City Council and Madison County have discussed t h e transfer and determined that it is the parties mutual interest for the transfer of Real Property to Madison County to be used as a coroner's office, disptach center and law enforcement building and that the law enforcement building shall be built within a 10-year timeline and, if not, the parties agree for the City to have the right of revision of the property back to the City.
- It is necessary in order for the City Council to complete the process of their intention to transfer the Real Property [as provided in Idaho Code Section 50-1402] that it may or may not declare a value and shall provide notice and hold a public hearing.
- It is the intention of the City Council to transfer the Real Property and to set a public hearing and direct the City Clerk to provide notice of its intention and of the public hearing.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Sugar City that:

- The City Council finds and declares that the Real Property is no longer useful to the City and underutilized and not used for public purposes; and declare their intent to transfer said Real Property to Madison County as another tax supported governmental unit.
- The City Council finds and declares that the Real Property shall be transferred to Madison County for no compensation with the requirement that the Real Property shall be used as a coroner's office, disptach center and Law Enforcement Building and that the law enforcement building shall be built within a 10 year timeline, if not,

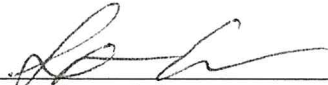
the parties agree the right of revision of the property back to the city.

- The City Council hereby sets a public hearing where any person may appear and show cause that a transfer of the Real Property should or should not be made at a meeting of the City Council to be held on March 23, 2023 at 6:30 p.m. in the Council Chambers, Sugar City, City Hall.
- The City Clerk is directed to cause notice of the public hearing to be published in the official newspaper not less than fourteen (14) days prior to the hearing.

PASSED BY THE CITY COUNCIL of the City of Sugar City, effective this 23rd day of February, 2023.

APPROVED:

(SEAL)

Signed: 
Steven Adams, Mayor

ATTEST


By. 
Wendy McLaughlin, City Clerk

EXHIBIT A
Legal Description
SUGAR CITY BUSINESS PARK 1ST AMENDED
LOT 3 BLK 1



Madison County Parcel Report

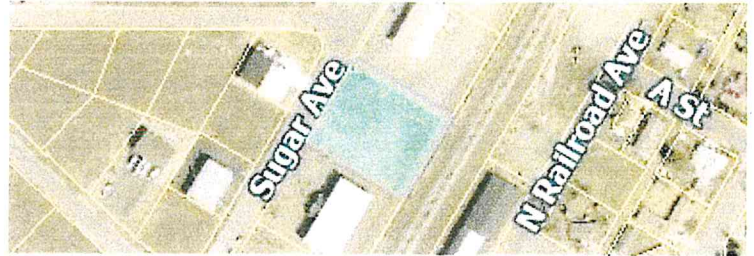
Report generated:
2/14/2023 2:24:32 PM

Parcel Number: **RPSSUGBP110030**
Primary Owner: **CITY OF SUGAR CITY**
Secondary Owner:
Site Address:

Mailing Address: **PO BOX 56**
SUGAR CITY ID 83448

Acreage: **0.89**
GIS Square Feet: **38,746**
GIS Acres: **0.889**
Total Value: **\$0**

Year Inspected: **2016**
Last Year's Taxes:
Current Year's Taxes:



	Category	TCA	Description	Acreage	Value
Legal Description: SUGARCITY BUSINESS PARK 1ST AM LOT 3 BLK 1	81	2001	Exempt Property	0.890	\$0

Deed Number:

377655

Assessment values are approximate, to get accurate values contact the Madison County Assessor's Office (208) 359-6243.
Tax amounts are approximate values, to get accurate values contact Madison County Treasurer's Office (208) 359-6264.

Total Value: \$0