

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, JANUARY 11, 2018

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

Present: Mayor David D. Ogden; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Brent Barrus, Joe Cherrington, and Greg Venema; City Public Works Director Zane Baler; City Building Inspector Cliff Morris; City Enforcement Officer Becky Edwards; Assistant City Attorney Dylan Anderson, Forsgren Associates Representative Kylie Anderson; Councilor Elect Vaun Waddell; Elaine King; Richard Rembish; Councilor Elect Joy Ball; *Standard Journal* reporter Adam Jacobs; Keith Nelson of Delorum.

**MINUTES:** Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on December 14, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Barrus and seconded by Councilman Venema to accept the minutes; motion carried.

**RECONCILIATION REPORTS:** Wendy presented the December reconciliation reports for the General Fund. It was moved by Councilman Venema and seconded by Councilman Cherrington to accept the December reconciliation reports for the General Fund; motion carried. Wendy presented the December reconciliation reports for the Utility Fund. It was moved by Councilman King and seconded by Councilman Cherrington to accept the December reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$46,767.50. It was moved by Councilman Barrus and seconded by Councilman Venema to pay the current bills, together with all regular January bills; motion carried.

**ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS:** After concluding the fiscal matters of the preceding year, City Clerk-Treasurer Wendy McLaughlin performed the swearing in of the newly elected officers as follows: Council member Brent Barrus for a term of two years; Council Elect Joy M. Ball for a term of two years, Council Elect Vaun Waddell and Council member Bruce King, each for four-year terms. The council members signed the Oaths of Office and took their places at the council table. Mayor Ogden then resumed the meeting. Mayor Ogden expressed thanks to Councilmen Joe Cherrington, and Greg Venema for their fine service to the city. Councilman Vaun Waddell was elected council president, with Councilwoman Joy M. Ball as council vice-president.

**COUNCIL ASSIGNMENTS:** The mayor sent out assignments to the council for the new council to review (see Attachment #1). Citing City Code 1-5-1 B12 Councilmen Waddell pointed out that under the principle of enumerated powers the mayor does not make assignments to

councilmembers but may “invite” them to advise and provide oversight within departments, and that acceptance of such invitations is voluntary. Councilman King, under the principle of separation of powers, pointed to the provision in the same paragraph, “with council consent,” and said he believes the council should have a more active role in the invitations. The mayor was uncomfortable with their interpretation of the code and the proposed changes, however, he understood that the assignments should be viewed as invitations, except the Planning and Zoning position, which is an appointment. He said such issues would be handled better by discussing them in his office rather than making them part of a public meeting. Councilman King said he expected that this issue would be readdressed at the next meeting.

**PLANNING AND ZONING COMMISSION REPORT:** Dave Thompson reported that the commission met last week and further discussed the Land Use Table and map. However they were not ready to set a public hearing date.

Chairman Thompson reported that the mayor presented to the commission the application for special use permit for the new water tank and well site. The commission reviewed the application and will discuss it further at the next Planning and Zoning meeting.

**MAYOR’S REPORT:** The mayor reported on the following items:

**Flood Plain Update:** The most recent flood plain map was reviewed with the council (see Attachment #2). The city working closely with the County and Rexburg have been hopeful in revising the map back to its prior version before most of Sugar City was put back into the flood plain. With some changes, only the southern part of the city would remain in the flood plain. Additional proposed changes have been submitted, such as using mitigation plans.

**Water Project Update:** The mayor reviewed a financial spreadsheet of the water bond and how the cash flow would look for the bond project. He will update the council periodically as the project progresses.

**Donated Well Lot Report:** Old Farm Estates developers Jeff and Ryan Lerwill donated two acres of land from Division #3 for the new well. The environmental study for the donated site has been completed. The next step is to drill a test well near the proposed well site. The mayor said the gift was receipted. Councilman King asked if the Lerwills received anything in return for the gift. The mayor said they got nothing in return.

**Municipal Code Online Update:** The city code is now online. The mayor and staff will be trained on how to use the software.

**ICRMP Training Update:** February 1 is the deadline for all the council, Planning and Zoning, and city staff to take the training, which will give the city a 5% discount on their annual billing. The training helps minimize future claims. The council will meet during the break for an in-house training on driving safety and again at the next meeting for the second required training during the break.

**State of the City Event Update:** The mayor will be one of the featured speakers at the State of the City and County breakfast to be held Wednesday, January 31, 2018, at 8:00 a.m. The event is sponsored by the Rexburg Area Chamber of Commerce and will be held at the Hemming Village Atrium. The city will pay for breakfast for those invited who attend.

**January 18, 2018 Tommy Ahlquist Meeting:** Mr. Ahlquist is a Republican candidate for governor of the state of Idaho. He has scheduled a meeting at Sugar City Hall January 18, 2018.

**TEST WELL DRILLING CONTRACT AND APPROVAL:** The decision to approve the contract was postponed until the next council meeting. Before the city can go ahead with the new

well, a test well must be drilled at least 20 feet from the well site. Since the estimated cost is just under \$50,000, the city can use a sole source to dig the well. Forsgren Associates recommended Dennings Well Drilling of Idaho Falls. The mayor asked for the council's approval to go ahead with the contract, which had been reviewed by the city attorney. Although Dennings had already signed the contract, the attorney recommended some minor revisions on default procedures. Councilman Waddell abstained from participation. Councilwoman Ball was concerned about drilling the test well before a public hearing was done, by chance the well site is moved. The mayor explained how waiting could be detrimental to the city as far as increased costs due to setbacks and other timing-related issues and the fact that the contract is not place specific, that the water bond passed and the chance that the well site could be moved is very slim due to engineering recommendations, water diversion site approval from the Department of Environmental Quality (DEQ), and the building site being donated to the city by Jeff and Ryan Lerwill. Councilman Barrus challenged Councilman King's ability to participate due to his recusal from the legal matter before the city. City Attorney Assistant, Dylan Anderson, asked Councilman King if he could separate his participation in the water facility from the legal action, to which Councilman King said he could. Councilman King then read his recusal statement of July 13, 2017 (see Attachment #3). Councilman King suggested waiting until the next council meeting to give the council time to thoroughly review the contract and to make the changes recommended by the attorney.

**MOTION TO AMEND AGENDA:** It was moved by Councilman King and seconded by Councilwoman Ball to amend the agenda to include consideration of the segregation of duties regarding cash-handling procedures, which issue emerged only yesterday; motion carried.

**RESOLUTION NO. 2018-1 (Approve Cash-Handling Policy and Segregation of Duties)** – Resolution No. 2018-1 was introduced to the council by Mayor Ogden and read by title only by Councilman Barrus. DEQ requires a cash-handling policy, which includes segregation of duties and is needed before the water bond can proceed any further.

**MOTION:** It was moved by Councilman Barrus and seconded by Councilman Waddell to approve the cash-handling policy and segregation of duties; motion carried (see Attachment #4).

**SEWER BASE FEES:** Mayor Ogden proposed that the council consider adopting the same Equivalent Residential Unit (ERU) for sewer base fees as has been adopted for the water base fees. The use of an ERU rate applied to the sewer base fees for replacement and maintenance costs is fairer. The change would mostly impact public entities, such as churches and schools, where the ERU rate is dictated by building capacity. The sewer study will be completed within the next few weeks and will bring more information to consider.

**AMERICORP VISTA MENTORING PROGRAM:** The Idaho Department of Correction Free2Succeed Mentor Program approached Mayor Ogden about the possibility of the city becoming involved in the program through mentoring or support and a chance to present the program to the council. The goals of the program help reduce recidivism, provide support for successful recovery and supervision, and strengthen communities – and are very successful. The city will not participate as a mentor.

**RECYCLING BIN IN SUGAR CITY:** Several citizens have expressed that they would like to bring back the recycling bins, which were removed last fall from the old Sugar City Market

parking lot. After some discussion, the council felt that the recycling bins available at Albertson's just three miles south are sufficient to meet citizen needs. If the bins are not constantly kept up, they become a mess and detract from the city.

**NEW CITY LOGO:** The city will go forward in pursuit of a new city logo. Keith Nelson of Delorum presented the results of the survey and the logo ideas from that input to the City Council. He reviewed the designing process and presented the work done so far. He gave the new council an opportunity to opt out of the contract, since there was some feeling that the redesign of the logo was unnecessary and too expensive. However, the council felt that a good new logo to represent the city, which could be used from letterhead to vehicle and sign options, was important and they would like to have Delorum continue their work for the city.

**DEPARTMENT REPORTS:**

**COUNCILMAN BARRUS:** No report.

**COUNCILMAN WADDELL:** Councilman Waddell asked what is the city's policy on agenda items submitted by council members. The mayor replied that agenda items from council members would be placed on the agenda, the only exception being when so much business was on the agenda that for the sake of time some items may be moved to a later meeting.

**COUNCILWOMAN BALL:** No report

**COUNCILMAN KING:** No report.

Meeting adjourned at 9:20 p.m.

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

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

**2018 CITY COUNCIL ASSIGNMENTS**

**Joy Ball:** Garbage and sanitation; liaison with Tree and Beautification Committee; Arbor Day Celebration and Christmas Tree Lighting Program; provide leadership in obtaining available grants.

**Bruce King:** Water and sewer; Local Emergency Planning Committee; liaison with building inspector.

**Vaun Waddell:** Parks and recreation (specifically the Easter Egg Hunt and the community breakfast); animal and insect control; neighborhood watch; liaison with City of Rexburg for the joint planning of the Teton Dam Marathon; Volunteerism.

**Brent Barrus:** Streets, alleys, snow removal; liaison with Planning and Zoning; liaison to staff meetings.

ATTACHMENT #3

July 13, 2017

Friend:

The mayor and the city attorney asked me to recuse myself from deliberations and voting on the legal challenge before the city on the grounds that my wife's involvement as a petitioner could compromise my impartiality and invite further legal action against the city.

After considerable contemplation, I decided that recusal would be best to avoid any appearance of impropriety and to reduce the chance of additional legal challenge.

That said, I continue to believe that rezoning Division 3 in Old Farm Estates was unwise on several grounds, first and foremost that it violated our comprehensive plan and code. I also believe that passage of Ordinance 312 last year was ill-advised. Consequently, I voted against both measures.

Sincerely,

Bruce P. King,  
President  
Sugar City Council

**The City of Sugar City, Idaho**

**Resolution No.: 2018 - 1**

**“A Resolution to Approve a New Policy Regarding the Duties of City Clerk(s),  
Segregation of Duties and Handling of Cash for the City of Sugar City.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to approve a policy regarding the duties of City Clerk(s), segregation of duties and handling of cash; and

WHEREAS, the Idaho Department of Environmental Quality has required this kind of policy be in force in order to facilitate the purchase of the new water bonds; and

WHEREAS, the Council of the City of Sugar City agrees that having such a policy is in the best interest of the city, and is in keeping with acceptable accounting and policy practices;

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 attached new policy to its Employee Policy and Procedures Manual, and authorizes the Mayor to insert said policy into the Procedures Manual.

PASSED by the Council of the City of Sugar City on this 11th day of January, 2018

APPROVED by the Mayor of the City of Sugar City on this 11th day of January, 2018.

(SEAL)

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David D. Ogden,  
Mayor

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer