

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, OCTOBER 12, 2017

Presiding: Mayor David D. Ogden  
Meeting Convened at 6:30 p.m.  
Prayer: Bruce King  
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 Design Review Chairman Paul Jeppson; Chairman Dave Thompson of the Planning and Zoning Commission; *Standard Journal* Reporter Adam Jacobs; Citizens for the Rule of Law Member Vaun Waddell; Blake Walker for the Old Farm Estates Division #2, Block 12, Development; Old Farm Estates Developer Ryan Lerwill; Citizens Joy Ball and Sophie Venema.

**MINUTES:** Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on September 28, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman King and seconded by Councilman Venema to accept the minutes, with the correction of "land-use **map**" to "land-use **table**" on page 2 under "Position on County Land Use and Gravel Pits"; motion carried.

**RECONCILIATION REPORTS:** Wendy presented the September reconciliation reports for the General Fund. It was moved by Councilman Barrus and seconded by Councilman King to accept the September reconciliation reports for the General Fund; motion carried. It was noted that the city had spent \$1,600 for mediation costs for Citizens for the Rule of Law, Old Farm Estates Jeff and Ryan Lerwill, and the City of Sugar City. The mediation was not successful in reaching a negotiated agreement. Wendy presented the September reconciliation reports for the Utility Fund. It was moved by Councilman Cherrington and seconded by Councilman Venema to accept the September reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$70,251.22. It was moved by Councilman Venema and seconded by Councilman Barrus to pay the current bills, together with all regular October bills; motion carried. It was also noted that the total cost of attorney fees for fiscal year 2017 exceeded the 2017 \$25,000 budget by over \$20,700.

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

**Land Use Schedule:** Vaun Waddell, of Citizens for the Rule of Law, submitted a letter to Dave Thompson stating that the published notice of public hearing appeared improper because the record does not show that the P&Z had set a public hearing. The city attorney has written a letter in reply, which will be read at the next P&Z meeting. The commission continued to discuss revisions to the land use schedule and decided to finalize the definitions and revisions at the next meeting, at which time they will set another public hearing date."

**Land Use Ordinances for Tiny/Cottage/Patio Homes:** The commission also worked on defining tiny/cottage/patio homes and how best to regulate them to help such a development be successful.

**FINAL PLAT REVIEW AND ADOPTION (Old Farm Estates South Fork Villas):** City Clerk Wendy McLaughlin reported that all entities required to review the final plat had been notified. City code 8-4-5A requires city approval of building and landscaping design before construction can begin. However, City Building Inspector Cliff Morris noted that the International Building Code allows foundations before permits – at the owner’s risk. The council moved to accept the final plat for Old Farm Estates South Fork Villas, subject to all appropriate signatures.

**MOTION:** It was moved by Councilman Venema and seconded by Councilman Barrus to approve the final plat: motion carried.

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

**Delorum Survey Update:** Each councilman, employee, committee member, and several key citizens were asked to participate in a preliminary Sugar City logo survey to determine the questions and “feel” of the official survey to go out to the community.

**YMCA Survey Update:** There has been lots of feedback on the YMCA survey. YMCA CEO Monica Bitrick reported that 99% of the feedback has been positive, which has prompted officials to begin the feasibility study used to determine the viability of the idea of a YMCA in this area. We are ready to go on to the next step.

**Flood Mapping Update:** The city has been working closely with Rexburg and the county to revise the STARR’s new flood plain map recommended earlier last year by FEMA. They will move toward doing their own mapping model since STARR has been slow to respond or hesitant to make any changes. STARR’s model does not include the current trend of decreased water flow or higher bank elevations and puts most of Sugar City and the surrounding area into the flood plain. To do our own mapping instead of relying upon STARR will cost the city, Rexburg, and county lots of money, but is necessary. The current map puts most of the city back into the flood plain and requires current homeowners to purchase flood insurance if refinancing. Development would be halted or severely curtailed, causing devastating economic impact to the area.

**Old Farm Estates Division #2 & #3 Review:** The mayor reviewed the history of Old Farm Estates Division #2 and #3 with the council. Division #2 is currently under construction, with water and sewer lines installed and tested. Below is a summary:

- In October 2015, applications for land use map revisions, zone changes, and a preliminary plat were filed for both Division #2 and #3.
- Public hearings were held on December 10, 2015, with no recommendation from Planning and Zoning (P&Z) until January 14, 2016, at which time the City Council adopted their recommendations, with the recommendations that the 3<sup>rd</sup> South intersection concerns be addressed and signed off by the Idaho Transportation Department (ITD).
- The final plat for Division #2 was finally approved in May 2017.

**Division #3**

- Applications for a zone change and preliminary plat were filed in December 2016
- A public hearing before the Planning and Zoning Commission was held in April 2017
- The City Council adopted the Findings, Conclusions and Recommendations for

zone changes in May 2017

- Motion for Reconsideration filed by Citizens for the Rule of Law June 2017
- Motion for Reconsideration deemed denied
- Mediation 9-14-17 failed
- Citizens for the Rule of Law filed an application for judicial review of the city's zoning decision 9-22-17

**Local Highway Technical Assistance Council (LHTAC) Funding Options:** The city has an opportunity to apply for a grant to help with the Idaho Highway 33 and Railroad Avenue project. The project would take Idaho 33 straight into Sugar City on south Railroad Avenue. The unsafe s-curve of Idaho 33 (Front Street) in Sugar City and odd-angle intersections would be reconstructed. Each year several area districts meet to discuss road projects eligible for grant monies and rank them. Sugar City's proposed project came in second. The application deadline is December 21, 2017, and the city intends to file.

**Mayor's Walking Challenge:** The mayor has taken on the challenge to walk 10,000 steps a day for the month of October, which is equal to about five miles. The idea is to inspire kids to walk more. Sugar-Salem Central Elementary School is also participating.

**ANIMAL ORDINANCE REVIEW AND POSSIBLE ADOPTION:** Councilman King suggested that, instead of revising the current animal ordinance, the council use the power and duties granted to them in city code 1-6-1B-13 to waive fees and fines in accordance with state and federal law given that "extraordinary hardship would result from strict compliance" "so that substantial justice may be done and the public interest secured." Citizen Tom MacKay could fill out a permit allowing him the privilege of using his barn and land as requested. The council liked the idea and thanked Councilman King for the suggestion, for which he gave credit to Vaun Waddell. However, it was noted that the council may still consider an amendment to the animal ordinance allowing a permit system subject to definite criteria of sufficient space and care for the animals.

**NEW WATER PROJECT FLIER:** The council reviewed the proposed water system flier that will be taken to each household. Its purpose is to educate the public on the need for a new well and tank and to debunk false rumors or notions, such as:

- The new water system is for the developers
- The current water system is meeting city demands
- DEQ will not enforce regulations on the city
- Interest rates and costs will remain the same for a couple of years

**MUNICIPAL CODE ONLINE ADOPTION AND CONTRACT:** The council agreed to enter a contract with Municipal Code Online to publish the city code on the city's website and update it to its most current version. They will also provide training to key staff members so that the code remains up to date and correct in a timely manner going forward. The City of St. Anthony recommended the software, being pleased with the program. The cost is \$900/year for the five years, which is a bargain.

**RESOLUTION NO. 2017-19 (Municipal Code Online Agreement and Contract):** Resolution 2017-19 was introduced and read in full by Councilman Cherrington.

**MOTION:** It was moved by Councilman Cherrington and seconded by Councilman Venema to adopt Resolution No. 2017-19. Councilman King asked for a roll call vote.

Thereupon the clerk called roll upon the motion.

Those voting aye: Councilmen Barrus, Venema, Cherrington, and King  
Those voting nay: None

Resolution No 2017-19 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. A copy of said resolution is attached hereto marked "Attachment #1."

**SUGAR CITY NEEDS LIST REVIEW:** The council reviewed the city's need's list. Some items were checked off as completed and others were added like the Moody water line project. Possible financing options were discussed, which will cost approximately \$640,000. Developers or investors will be approached first. A Local Improvement District (LID) will be the last resort. Councilman Barrus will approach a local developer, who has expressed interest in helping. The city is concerned that if it cannot provide water to the Moody Highway, the City of Rexburg will oblige and annex developments and businesses across the Moody into Rexburg. The council will review the situation in more detail at the next meeting.

**EQUIPMENT SURPLUS LIST:** City Public Works Director Zane Baler presented a list of surplus equipment that the city can no longer use or is unusable to be sold off by bid to the public. The city needs to purchase a tractor to replace the two old tractors being sold. Most of the other items listed have been replaced.

**RESOLUTION NO. 2017-20 (Establish a Surplus Property List and Sale Approval):**  
Resolution 2017-20 was introduced and read in full by Councilman Cherrington.

**MOTION:** It was moved by Councilman King and seconded by Councilman Venema to adopt Resolution No. 2017-20; motion carried. A copy of said resolution is attached hereto marked "Attachment #2."

**DEPARTMENT REPORTS:**

**COUNCILMAN KING:** No report.

**COUNCILMAN CHERRINGTON:** No report.

**COUNCILMAN BARRUS:** No report. Public Works Director Zane Baler reported that the main sewer lift station and pump #2 problem of running too much was finally diagnosed after they found a 4-1/2" wiffle ball stuck in the pump, keeping the valve from closing properly. How does a wiffle ball end up inside a pump?

**COUNCILMAN VENEMA:** Asked about the possibility and feasibility of widening South Teton to make it safer.

Meeting adjourned at 9:40 p.m.

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

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

**The City of Sugar City, Idaho**

**Resolution No.: 2017 - 19**

**“A Resolution to Approve a Contract and Service Agreement between Municipal Code Online (MCO) and the City of Sugar City, to provide Software and Support for the Maintenance and Upkeep of the City’s Municipal Code, Including Ordinances and Resolutions Affecting that Code.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to streamline and make more efficient, at a lower cost, the maintenance and upkeep of the city’s municipal code, including ordinances and resolutions affecting that code; and

WHEREAS, Municipal Code Online (MCO) has a software and support system, which is more user friendly and lower in cost than the current system being used by the city, and is willing to provide such software and support to the city; and

WHEREAS, the new software and support to be provided by MCO has been reviewed by the city’s attorney, Bill Forsberg, who indicates that he approves of such change, and has also indicated that the City of St. Anthony, Idaho who is currently using the software has indicated their complete satisfaction with the service;

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 Contract and Service Agreement in the annual amount of \$900, not to be raised for a period of five (5) years, and provide a Legislative History for an additional one-time fee of \$825, and authorizes the Mayor to execute the aforementioned Contract and Service Agreement.

PASSED by the Council of the City of Sugar City on this 12<sup>th</sup> day of October, 2017

APPROVED by the Mayor of the City of Sugar City on this 12<sup>th</sup> day of October, 2017.

(SEAL)

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David D. Ogden,  
Mayor

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer

Resolution No.: 2017 - 20

**“A Resolution to Establish a Surplus Property List and Approve the Mayor and Public Works Director to Sell the Surplus Property by Closed Bid.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to establish the following list of equipment as surplus property:

- 1 Jacobsen Mower
- 1 Sweep Plow
- 1 Sand Truck with Sweep Plow
- 1 Old Weeds Beater
- 1 Generator
- 1 Jacobsen Grass Rake
- 1 Bucket Truck
- 1 Ford Tractor
- 1 Duetz Tractor

and desires to sell the aforementioned equipment by closed bid; and

WHEREAS, the Mayor and the Public Works Director have determined that the aforementioned equipment is of little value to the city, and that the best method of sale is to receive closed bids, and;

WHEREAS, the Council of the City of Sugar City believes it is in the best interest of the city to sell off such equipment;

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 determines that the aforementioned equipment is in fact surplus property, and that selling it by closed bid is in the best interest of the city, and authorizes the Mayor to proceed with the sale.

PASSED by the Council of the City of Sugar City on this 12<sup>th</sup> day of October, 2017

APPROVED by the Mayor of the City of Sugar City on this 12<sup>th</sup> day of October, 2017.

(SEAL)

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

ATTEST:

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Wendy McLaughlin, City Clerk - Treasurer