

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, JANUARY 12, 2023

Presiding: Mayor Adams

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

Prayer: Councilwoman Nielsen

Pledge of Allegiance: Councilwoman Fogle

Present at City Hall and Online: Councilors Joy Ball, Glenn Dayley, Connie Fogle and Catherine Nielsen; City Attorney Chase Hendrick; Public Works Director Arlynn Jacobson; Planning & Zoning Administrator Kurt Hibbert, City Building Inspector Quinton Owens; Deputy Clerk Shelley Jones; Sheriff Moroni Burton ; Rachel Telford of ITD; Drew Metpen; Andy Oliverson; Brent Mendenhall; Sam Butikofer; Michelle Adams and others who may have joined electronically but not identified.

ELECTION OF COUNCIL PRESIDENT AND VICE-PRESIDENT: MOTION:

Councilwoman Catherine Neilsen was elected to serve as Council President and Joy Ball as Vice-President for another year.

CONSENT AGENDA:

11-10-22 minutes:

MOTION: It was moved to approve the 11-10-22 minutes by Councilwoman Ball with suggested change and seconded by Councilwoman Neilsen. All were in favor, motion carried.

Treasurer's report: Councilwoman Ball had a question about budget overage on Christmas tree lighting. Arlynn Jacobson stated extra funds came from Treats in the Streets event to cover the tree lighting, which is not reflected in the report, and which should keep the budget from showing it is over.

MOTION: It was moved by Councilwoman Neilsen to approve treasurer's report and payment report and seconded by Councilwoman Ball, all in favor, motion carried.

NORTH REXBURG INTERCHANGE TRAFFIC LIGHTS:

Rachel Telford from the Idaho Transportation Department (ITD) presented the traffic signal plans for North Rexburg Exit 337. With future development, they felt it was important for these lights to be put in. These will be constructed before work on and the closure of Exit 333. The new signaling system is unique. There will be two signals that work independently but will work with each other to help the flow of traffic. Councilwoman Fogle had a concern about the grade of the overpass when roads are slick. ITD will keep communications open to be mindful of issues.

BUSINESS PARK LOT ACQUISITION FOR POSSIBLE LAW ENFORCEMENT CENTER:

Commissioner Mendenhall and Coroner Sam Butikofer discussed a need for a new office for the sheriff and coroner. They need a new larger office in a better location.

The county would like to have the city donate the empty lot in the business park by the Search & Rescue building. The project would be built in phases with the coroner's office being first.

Having the sheriff's office located in Sugar City would increase the presence of deputies here. It would also help response times for deputies being located near the highway. Growth expected in the area in the next five to six years. Mayor Adams commented that he supports the idea of having extra presence of law and of donating the lot to the Sheriff's Department. This would give them long term planning ability. The discussion will continue at the next council meeting as an action item.

PUBLIC COMMENT: None

PLANNING & ZONING FINDINGS ON 12-1-22 PUBLIC HEARINGS:

Madison County Emergency Tower: P&Z recommends disapproving the requested Special Use Permit to allow extra use of the communication tower. Attorney Chase Hendricks briefed the council on the issue. P&Z Administrator Kurt Hibbert and P&Z Chairwoman Christine Lines shared thoughts stating that when the Special Use Permit was granted for the tower to be built it was under the condition that there would be no future public use of the tower. It was stated that if we let one public entity use the tower, the city would have to allow all others the same privilege. Attorney Hendricks said that local entities can regulate the size and placement of a tower but that we would have to allow the public to use it if the tower would hold the load. Public Works Director Arlynn Jacobson stated that any addition to the tower could not interfere with other users' signals.

MOTION: It was moved by Councilwoman Ball and seconded by Councilwoman Neilsen to accept the Planning & Zoning recommendation that this be denied. All were in favor, motion carried.

Sugar RV Park Expansion: Owner Andy Oliverson requested council to table their discussion.

MOTION: It was moved by Councilman Dayle and seconded by Councilwoman Fogle to table discussion. All were in favor, motion carried.

PLANNING & ZONING REPORT:

Christine Lines reported on the following items:

Planning & Zoning Nominations: Ms. Lines has been re-appointed and will continue to serve as chair but will only serve until June of 2023. Vice-chair Derek Taylor will then serve as chair. David Fluckiger will be the secretary.

Two new commissioners, Bruce Shirley & Rick Robertson, were elected as ex officio advisors for the Salem area. There was discussion about Sugar City being re-named Sugar Salem. Mayor Adams likes the concept of municipality without losing identities.

Goals for the year: The new goals for Planning & Zoning are to protect the regional commercial zone and work on the impact area annexation of the Salem area. Concerning the annexation, the mayor stated he is working with the county. P&Z Administrator Kurt Hibbert said he and Public Works Director have met with ITD with comprehensive plan maps and discussed their system anticipating development north of the interchange. The mayor felt that the comprehensive plan is not just for the city, but also for ITD and the county. ITD has been good to work with in discussing the future.

PUBLIC WORKS REPORT:

Snow Removal: The city has plowed snow six times so far. The average is ten to twelve times per year. Public Works has had some equipment issues. Madison County and ITD have both offered help if the city is ever in a bind.

Rexburg Sewer Line: Mr. Jacobson met with city engineer Dick Dyer and the City of Rexburg and discussed the sewer line which needs major work. Teton, Sugar City, and the north Rexburg area flow to the station by the old K-Mart building and it cannot manage much more flow. Grants and loans are being applied for to fix the issues. There is a request to start budgeting this year to start work in 2024. All three cities are applying to fund the lower section and a section of upper sewer line.

MOTION: It was moved by Councilwoman Fogle and seconded by Councilwoman Ball to approve re-submission of the application. All in favor, motion carried.

Mr. Jacobson stated it was suggested to have a committee go forward with committee members including Mr. Jacobson, Engineer Dick Dyer, P&Z Administrator Kurt Hibbert, Clerk Wendy McLaughlin, and Mayor Adams if possible. It was also mentioned the city may have to have a bond. Sugar City is 100% on board. The city needs Mr. Dyers input on a long-term strategy for growth north of Sugar City and Salem area. The city would like a comprehensive plan for the next twenty years. HT new improvements will be PVC pipe instead of concrete. Sewer rates may need to be increased. Mr. Dyer will do a study to present to the council.

GENERAL BUSINESS:

Mayoral appointments: Christine Lines has been re-appointed for a new three-year Planning & Zoning term but will be resigning in June of this year. Brian Kinghorn was appointed to serve as a Planning & Zoning Commissioner.

MOTION: It was moved by Councilman Dayley and seconded by Councilwoman Nielsen to ratify re-appointment of Christine Lines. All were in favor, motion carried.

BUSINESS PARK WALKING PATH PARKING PLAN: There was a proposal to park across the street from Boyle Fertilizer but there is a concern about heavy traffic speeding. We would need painted crosswalks and flashing lights. Mayor Adams suggested using compacted gravel at Silo Park area and across the street to the west from Silo Park.

CALENDARED ITEMS:

Second Discussion -

Delinquent Utility Notices and Fees:

MOTION: It was moved by Councilwoman Neilson and seconded by Councilwoman Ball to set a public hearing for Thursday, February 23, 2023. All in favor, motion carried.

Third Discussion -

Excavation Permit Code Revision:

Attorney Hendricks wondered about the fees. Mr. Jacobson put new fees in. He wants some leverage to make companies pay if things are not fixed properly after any excavation.

Road Trenching and Right of Way Work Permit Ordinance: The council approved Ordinance No. 379_2023:

“AN ORDINANCE OF THE CITY OF SUGAR CITY, STATE OF IDAHO, AMENDING AND REPLACING TITLE 6, CHAPTER 2 OF THE SUGAR CITY ORDINANCE TO ESTABLISH A PROCEDURE FOR THE REQUIREMENT OF A PERMIT TO BE OBTAINED BY ANY PERSON, ENTITY, OR BUSINESS PRIOR TO IMPLEMENTATION OF ANY WORK UPON A PUBLIC ROADWAY IN SUGAR CITY AND THE PERMITTING TO BE ADMINISTERED BY THE SUGAR CITY PUBLIC WORKS DEPARTMENT AND TO SPECIFY ANY WORK DONE IN THE CITY RIGHT-OF-WAY TO BE BUILT TO SUGAR CITY STANDARD SPECIFICATIONS AS WELL AS REQUIRING A DEPOSIT TO BE FORFEITED IF THE WORK DONE IS NOT DONE TO THE STANDARD SPECIFICATIONS AND TO REQUIRE BARRICADES AND TRAFFIC SIGNS AND CONTROL DEVICES WHILE ANY WORK IS BEING DONE ON SUGAR CITY ROADS AND PROCEDURES AND REQUIREMENTS TO OBTAIN RIGHT-OF-WAY FROM ADJACENT PROPERTY OWNERS AND FOR BURYING UTILITIES AND FOR A VIOLATION AND PENALTY FOR ANYONE WHO DOES NOT FOLLOW THE ORDINANCE.”

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

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

Ordinance No. 379_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. 376_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. 2023-1: (A Resolution to Approve a Revised Excavation Permit Application and Permit Fees).

MOTION: It was moved by Councilwoman Fogle and seconded by Councilwoman Nielsen to approve the revised Excavation Permit Application and permit fees. Thereupon, the clerk called roll upon the motion.

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

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

MAYOR AND COUNCIL REPORTS:

City Fiber Report: Mayor Adams requested that Dave Thompson report on fiber. Mr. Thompson stated revisions had to be made because of a previous company digging earlier. Most of the fiber has been done. Two more companies are coming to do fiber and other cities will be buying in.

Historic Preservation Commission:

Councilwoman Ball stated the commission will be meeting on February 16th and they will talk about becoming a tax-free entity.

Tree & Beautification Committee:

Rocky Mountain Power contacted the committee and would like a deeper story about our Memorial Garden for news.

MOTION: It was moved by Councilwoman Neilson to adjourn. Motion seconded by Councilwoman Fogle. All were in favor, motion carried.
Meeting adjourned at 9:20 p.m.

Signed: _____

Mayor Steve Adams

Attested: _____

Wendy McLaughlin, Clerk-Treasurer

Excavation Permit Application

Public Works



Sugar City

10 East Center Street, Sugar City, ID 83448

ajacobson@sugarcityidaho.gov

208-356- 7561

Applicant / Contractor: _____ Date: _____.

Mailing Address: _____ City: _____ State: _____ Zip: _____.

Primary Phone: _____ Email: _____.

Excavation Address: _____ Description: _____.

Location of Excavation: Street Alley Sidewalk Undeveloped / Landscape area

Purpose of Excavation / What's Being Installed: _____.

Refund Recipient Name (if different from above): _____.

Refund Recipient Address: _____ City: _____ State: _____ Zip: _____.

ESTIMATED Construction Begin Date _____.

ESTIMATED Construction Completion Date _____.

CONDITIONS:

1. NO EXCAVATION SHALL BE MADE IN ANY CITY RIGHT-OF-WAY WITHOUT FIRST OBTAINING AN EXCAVATION PERMIT AND PAYING THE REQUIRED FEES.
2. Property owner(s) must be made aware of any work happening adjacent to or on their parcel.
3. This permit is good for 30 days or until the estimated completion date listed above.
4. APPLICANT IS TO CARRY A MINIMUM OF \$500,000 IN GENERAL LIABILITY INSURANCE (SEND CITY A COPY FOR FILING) TO COVER POSSIBLE DAMAGES THAT *MAY* BE CAUSED. BY THE EXCAVATION OR ANY ACCIDENT CAUSED BY HIS/ITS WORK.
5. Public right away fee is \$1,200 for any work that will disturb less than 30 square yards of asphalt surfacing and a \$200 portion of this fee will be retained by the city for initial inspection costs.
6. Excavation that disturbs more than 30 square yards of asphalt surface will be individually assessed by the city and additional fees will be determined. (See attachment B)
7. All utilities must be placed a minimum of 30" below the finished grade or ground level but shall not exceed 48" without permission from the city public works department. Ground level is defined as the level equal to the level of the existing barrow pit at its lowest point.
8. Applicant must notify Digline at 1800-342-1585 at least two business days in advance of the excavation date.
9. No utilities or boxes are allowed to run under or be placed in the area where the sidewalk will be placed.
10. Applicant is also required to pothole and locate all water or sewer lines that are within five (5) feet unless approved by the Public Works Director.
11. Applicant shall install such line at his own proper costs and expenses and shall assume all responsibility with reference to proper protection to the public by installing all necessary warning signals, barricades, and other traffic control devices to insure the safety of users of the roadway. Said devices shall conform to the current issue of the *Manual on Uniform Traffic Control Devices*. These signs shall be installed prior, during, and following construction until all roads have been properly repaired and safety concerns are addressed. It will be the responsibility of the applicant to pay additional costs for maintaining a road crossing and signing following the installation and the road being reopened
12. Existing asphalt must be saw cut before any excavation takes place and any existing asphalt damage by equipment must be repaired.

13. Excavation and backfill work is to be completed in accordance with the requirements of section 300 and 800 of the Idaho Standard for Public Works Construction (ISPWC). (See attachment A).
14. All excavation material, if acceptable for re-use shall be stockpiled or if not acceptable must be immediately removed from the site. Excavated material must be kept at a safe distance from trenches or traveled roadways.
15. All Street excavations must be backfilled with geotextile separator fabric, a minimum of 12" of approved pit run gravel, 4" of ¾ crushed gravel and a plant mix of 2 ½" of asphalt. Pit must be increased to 18" and 3" of plant mix on all heavy traffic Streets. All major and minor collectors must be backfilled with 3' of flowable fill, 4" of ¾ crushed gravel and 3" of plant mix. **NO EXCEPTIONS.**
16. Existing Pavement shall be tacked prior to new asphalt placement.
17. All asphalt patches are to be seal coated by a standard approved slurry seal, chip seal / duro patched.
18. Final repair of asphalt must be completed within 10 Calendar days of initial excavation unless approved by the Public Works Director.
19. No excavation permits will be approved from November 1st - March 31st except in emergency cases. Winter excavation requires temporary cold mix paving to be placed and maintained by the contractor until the final paving is completed no later than May 1st.
20. It is the responsibility of the applicant to contact the city when the project is complete and if all permit conditions are met and approved by the city then the permit fee minus inspection cost may be refunded within 30 days.
21. The city, at its discretion, may hold the permit fee for up to three hundred sixty (360) days after completion of the work. In the event there is any settling of the excavation, the permit holder will be responsible for the necessary repairs to correct the problems. In the event of the permit holder's failure to make such repairs, the city may do the repairs or have them done and retain the costs from the permit fee. If the permit fee is not sufficient, the permit holder agrees to pay the city any differences. Any overage will be refunded to the permit holder.
22. If damage to the pavement, or trench or pavement settlement should occur within one (1) year on the above described right-of-way, repairs shall be made by the applicant as directed by the City Public Works Director and at no cost to the City,
23. Each utility company and /or contractor will need to get a permit through our office for all road crossing, and any construction work that is within 9 feet of the travel surface of the road. All deposits and fees will apply. Companies that are bonded may submit a bond in lieu of cash or deposits.
24. If more than one crossing is made by an applicant during the same project or related projects the applicant may, at the discretion of the City, be required to rebuild the road section between the crossings.
25. NO road that is less than five years of age, or in excellent condition, will be cut unless the Sugar City Engineer and the Public Works Director grant permission.
26. The City reserves the right to have any and all crossings bored on any and all roads in the City. The Public Works Director or City Engineer, will review applications to approve or reject right of way permits.
27. The applicant assumes all liability for the construction within the road right-of-way and holds Sugar City harmless from any actions performed by the applicant. This liability is extended to second- and third-party liabilities that may result from work in the right-of-way, negligence of any type, and responsibility of temporary or permanent objects left in the right-of-way.
28. In any action or proceeding brought to enforce any provision of this Permit and Agreement or where any provision hereof is validly asserted as a defense, the successful party shall, to the extent permitted by applicable law, be entitled to recover reasonable attorneys' fees in addition to any other available remedy.

THIS permit shall not be valid for excavation until, or unless, the provision of Idaho Code Title 55, Chapter 22 have been complied with. PRIOR TO EXCAVATION, CALL DIGLINE LOCATION SERVICE. Telephone No. 1-800-342-1585. Digline requires 48 hours notice.

APPLICANT

SUGAR CITY:

Company

Date Permit Approved

Agent's Signature

Public Works Director

FINAL INSPECTION AFTER PROJECT WAS COMPLETED:

Inspected By

Passed Final Inspection

Date Inspected

Fail Final Inspection

Reasons For Not Passing:

(Attachment A)
Backfill Material Requirements

	3" minus	¾" crushed Road Base (Type I)
3 in.	100	
1 in.		100
¾ in.		90-100
⅜ in.		
No. 4	25-60	40-65
No. 8		30-50
No. 200	0-12	3-9

Backfill material shall meet the above gradation requirements and be placed in 12-inch maximum loose lifts and compacted to 95% of maximum density in accordance with AASHTO T 99.

½-inch Class III Plant Mix Pavement shall be compacted to between 92% and 95% of maximum density in accordance with mix design.

Asphalt surfacing must extend 1 foot beyond the trench sides in all directions or a minimum of 4 feet in width, whichever is greater. Minimum asphalt thickness shall be 2 ½ inches or equal to the existing material thickness, whichever is greater.

Final surface deviation must be within +/- ½" or less of surrounding surface conditions unless approved by the City of Sugar City Engineer.

Damages caused by the excavation must also be repaired at contractors' expense.

(Attachment B)
Cost Break down

Crossing Type	Deposit Amount	Retention Period	Refundable Amount
Boring	\$1200.00	One Year	\$1000.00
Gravel Road	\$13.00 per Linear Foot or \$1200.00, whichever is greater	One Year	Deposit total minus \$200 inspection / permit Fee.
Oil Roads	\$40.00 per Cubic foot of Asphalt or \$1200.00, whichever is greater	One Year	Deposit total minus \$200 inspection / permit Fee.