

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, DECEMBER 14, 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; PSI-Waste System Representatives Jeremy Harris, Mike Doyle, and Stephen Pinchard; Old Farm Estates Division #2 Developers Vaughn Price and Ray McDougal; The Development Company Manager Ted Hendricks; Forsgren Associates Partner and Manager Randy Johnson; Citizens for the Rule of Law Member Vaun Waddell; Councilor Elect Joy Ball; Citizens Beau & Hannah Fuquay, Kevin & Kristin Galbraith, and DeVerl Stoddard. Chairman Dave Thompson of the Planning and Zoning Commission was excused.

**MINUTES:** Mayor Ogden asked if there were any corrections to the minutes of the regular meeting held on November 9, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Barrus and seconded by Councilman King to accept the minutes; motion carried.

**MINUTES OF SPECIAL WORK MEETING:** Mayor Ogden asked if there were any corrections to the minutes of the special work meeting held on November 29, 2017. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Cherrington and seconded by Councilman Venema to accept the minutes; motion carried.

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

Wendy presented the current bills in the amount of \$88,310.55. It was moved by Councilman Cherrington and seconded by Councilman King to pay the current bills, together with all regular December bills; motion carried.

**PSI – CITY’S WASTE CONTRACTOR:** Representatives from PSI-Waste System, the city’s current garbage contractor, were present to ask for a five-year extension due August 31, 2018. They had promised earlier in the year to improve their service to Sugar City as new managers after some complaints. They reminded the council that they had kept their promise to raise the standard of service. The council agreed. The mayor explained that the city could extend the contract but might consider requesting proposals to keep costs down and service standards high.

The council will decide at a later date. PSI also requested possible names from the city of individuals or families to whom they could provide Christmas gifts.

**PLANNING AND ZONING COMMISSION REPORT:** No report

**VAUGHN PRICE OLD FARM ESTATES DIVISION #2 PEREGRINE SUBDIVISION FINAL PLAT ADOPTION:** The final plat has been reviewed and is ready to be signed and recorded by the council's approval. The city engineer, Planning and Zoning, GIS, and Madison County have reviewed the plat and made necessary revisions.

**MOTION:** It was moved by Councilman Venema and seconded by Councilman Barrus to approve the Peregrine final plat: motion carried. A roll call vote was taken. All voted for the final plat; there were no votes against. A resolution was written after the council's approval and is included in the minutes as **Resolution No. 2017-23 – to adopt and approve the final plat for the Peregrine Subdivision** (see Attachment #1).

**RESOLUTION NO. 2017-24 (Approve and Submit a Grant Proposal for Walkways) –** Resolution No. 2017-24 was introduced to the council by Mayor Ogden and read in full by Councilman Cherrington. Planning and Zoning Commission Chairman Dave Thompson has completed an application to help construct walking/biking paths in and around Sugar City and Old Farm Estates areas. The project is divided into several phases. The grant application is due by December 21, 2017, and needs the council's approval. The proposed grant is through the Local Highway Technical Assistance Council's (LHTAC) Children Pedestrian Safety Program for the amount of \$250,000.

**MOTION:** It was moved by Councilman Cherrington and seconded by Councilman Venema to approve the grant application; motion carried. A roll call vote was taken. All voted for the proposal; there were no votes against (see Attachment #2).

**RESOLUTION NO. 2017-25 (Approve and Submit a Grant Proposal to Move Idaho Highway 33 to Railroad Avenue and Straighten Out Front Street) –** Resolution No. 2017-25 was introduced to the council by Mayor Ogden and read in full by Councilman Cherrington. City Engineer Dick Dyer will apply for a \$500,000 grant from the Idaho Transportation Department through its Local Strategic Initiatives Program or Surplus Eliminator Fund, with no match required. The reconfiguration of Idaho Highway 33 and Front Street will eliminate the dangerous S curve into Sugar City from Rexburg. Truck traffic will be routed onto Railroad Avenue, which is designed for heavier traffic. The council asked that a town hall meeting be held to inform the public.

**MOTION:** It was moved by Councilman Cherrington and seconded by Councilman King to approve the grant application and town hall meeting; motion carried. A roll call vote was taken. All voted for the motion; there were no votes against (see Attachment #3).

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

**Lawsuit Update:** A hearing was held Monday, December 11, 2017, before 7th District Judge Gregory Moeller at the Madison County Courthouse in Rexburg to address the city's motion to dismiss. Judge Moeller heard from both sides and took arguments under advisement. He said there are things both sides need to do and asked that Mr. Storer, attorney for the plaintiffs, refile the Petition for Judicial Review under the names of all the Citizens for the Rule of Law rather than under their group's title. Another hearing date will be set, at which time the judge likely will announce his decision after studying the entire transcript submitted in the case.

**Randy Porter Development Update:** Randy Porter has agreed to sign an annexation agreement, enabling the city to move forward with the water line project to the Moody Highway. The design process is underway and is proposed to be installed along the east side of S 7th West.

**Army Corps of Engineers Grant for Secondary Irrigation:** The secondary irrigation project, which is part of the water bond, will be postponed indefinitely by the Moody waterline project. However, the city is looking into a possible grant through the Army Corps of Engineers that could help put the project back on track.

**Active Shooter Training:** Code Enforcement Officer Becky Edwards was trained and instructed on active shooter situations as part of her code enforcement officer training. Because active shooter situations have become more frequent elsewhere in the country, she has encouraged city employees and council members to also receive training through the Madison County Sheriff's Department on how to respond in such a situation.

**Municipal Code Online Update:** City Clerk-Treasurer Wendy McLaughlin reported that the city code is ready to be published on the city's website. A training session is planned for those who will be involved in the codification process.

**Second Exit Door for Emergencies:** The fire code requires two exits from public buildings, and the city office only has one entrance/exit. Harris Construction has been asked to submit a bid for the project. They estimated about \$4,700 to put in a second exit from the office garage on the east side of the building. The project is not part of this year's budget.

**Smart Growth Mandatory Meeting Report:** The mayor would like to hold a town hall informational/training meeting with the public in regards to smart growth in communities. The training meeting would be through a realtor association and may be funded through a grant. Ron Arnold would help with the training, which would last about 2.5 hours. February may be a good time to meet. The mayor hopes the meeting could help heal the city's division over growth issues.

**New Sewer Extension along Idaho Highway 33 Report:** Showcase Interiors has agreed to be annexed into the city and hook up to the city's sewer line. The owner's sewer system no longer works, and his request to build a new one was denied because of access to the city's line. However, the line needs to be extended in order to provide service. City Engineer Dick Dyer has estimated it will cost about \$58,000 to extend the line to meet the needs of Showcase Interiors and other affected businesses. The cost would be divided among Showcase Interiors, Maupin Welding, and the city. The city's cost is estimated at \$28,000 and would come from the city's Sewer Capital Improvement Fund.

**Mayor's Youth Council:** No report.

**ANIMAL ORDINANCE HARDSHIP PERMIT AND DOGS IN THE PARK REVISIONS:**  
No report.

**RESOLUTION NO. 2017-26 (Approve a Professional Services Contract with Forsgren Associates)** – Resolution No. 2017-26 was introduced to the council by Mayor Ogden and read in full by Councilman Cherrington. Forsgren will perform engineering services for the water system improvement project, approved in the bond election of November 2017, for the maximum amount of \$537,000. The contract has been reviewed and approved by the city attorney.

**MOTION:** It was moved by Councilman Cherrington and seconded by Councilman Venema to approve the professional services contract with Forsgren and Associates; motion carried. A roll call vote was taken. All approved the contract; there were no votes against the proposal (see Attachment #4).

**RESOLUTION NO. 2017-27 (Approve a Professional Services Contract with East-Central Idaho Planning & Development Associates (ECIPDA))** – Resolution No. 2017-27 was introduced to the council by Mayor Ogden and read in full by Councilman Cherrington. ECIPDA will perform both administrative and financial services for the water system improvement project for the maximum amount of \$79,000. The contract has been reviewed and approved by the city attorney.

**MOTION:** It was moved by Councilman Cherrington and seconded by Councilman Barrus to approve the professional services contract with ECIPDA; motion carried. A roll call vote was taken. All approved the water system contract with ECIPDA; there were no votes against the proposal (see Attachment #5).

**RESOLUTION NO. 2017-28 (To Abandon South 7<sup>th</sup> West Road)** – Resolution No. 2017-28 was introduced to the council by Mayor Ogden and read in full by Councilman Cherrington. The city wants to abandon South 7<sup>th</sup> West, where it runs from Idaho Highway 33 north to the road known as 3<sup>rd</sup> South. The current intersection at Idaho 33 is hazardous and awkward at best. Eastern Idaho Railroad also agrees with the closure, which would enable it to close its railroad crossing on the road. With the closure of this railroad crossing, Eastern Idaho Railroad perhaps would be amenable to allowing crossings of its railroad tracks elsewhere in the city, for instance, for the potential walkway project. The abandonment would be subject to maintaining all utility easements. Adjacent landowners Norsun and Jeff and Ryan Lerwill are in agreement with the abandonment as well.

**MOTION:** It was moved by Councilman Cherrington and seconded by Councilman Venema to approve the road closure; motion carried. A roll call vote was taken. All approved the abandonment of South 7<sup>th</sup> West, subject to seeking public input later; there were no votes against the proposal (see Attachment #6).

**ELECTION RESULTS AND ADOPTION:** The mayor reviewed the election results with the council. The city has only one precinct, with 819 registered voters. A total of 485 ballots were cast, which is 56.7% of the total voters. Incumbent Bruce King received 287 votes, Joy Ball 284, Vaun Waddell 248, Incumbent Greg Venema 210, Bruce John Galbraith 178, and Incumbent Brent Barrus 177. Councilman King and Mr. Waddell will serve four-year terms. Councilwoman Joy Ball will serve a two-year term.

The special water revenue bond passed with 249 in favor and 229 against. Only a simple majority was needed.

**MOTION:** It was moved by Councilman Venema and seconded by Councilman Barrus to accept the certified election results; motion carried.

#### **COUNCILMAN CHERRINGTON RESIGNATION AND REPLACEMENT**

**RATIFICATION:** Councilman Cherrington handed in his resignation to the council, effective January 11, 2018. He thanked the city and council for the opportunity to serve and had a wonderful time organizing the different city events and serving on the council. “It is with a heavy heart and mixed emotions that I hand in my resignation,” said Councilman Cherrington. He and his wife plan to serve a mission for the Church of Jesus Christ of Latter-day Saints. He expressed his gratitude and appreciation for the city employees as well. He hopes his replacement will carry on where he left off.

Councilman King thanked Cherrington for his faithful service and excellent organizational skills. “Joe makes things happen,” said Councilman King.

The mayor also thanked Councilman Cherrington on behalf of the city and expressed appreciation and respect for his service. He asked the council to ratify the appointment of Councilman Brent Barrus as Cherrington's replacement, saying Brent is a man of integrity and experience. Councilman King asked the council to postpone voting on the appointment until January, saying: "Since the new council will be the ones to be seated for years with whomever is ratified, it only seems fair that they have a chance to weigh in." However, the council decided there was no need to wait on the appointment.

**MOTION:** It was moved by Councilman Venema and seconded by Councilman Cherrington to ratify the appointment of Brent Barrus to fill the vacancy created by the resignation of Joe Cherrington; motion carried. All were in favor. Mr. Waddell and Ms. Ball also indicated their support from the audience.

**DEPARTMENT REPORTS:**

**COUNCILMAN KING:** The Tree and Beautification Committee is once again organized, with Dalen and Shellie Tolman as the newest members.

**COUNCILMAN CHERRINGTON:** The city's annual Christmas dinner was well attended, and the food was great. Councilman Cherrington and his family provided fine entertainment.

**COUNCILMAN BARRUS:** All the city water pumps have flow meters installed and completed.

**COUNCILMAN VENEMA:** No report.

Meeting adjourned at 8:30 p.m.

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

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

**The City of Sugar City, Idaho**

**Resolution No.: 2017 - 23**

**“A Resolution to Adopt and Approve the Final Plat for the Peregrine Subdivision, being a replat of Lot 6 Block 14, Old Farm Estates Division No. 2, of the City of Sugar City.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to adopt and approve the final plat for the Peregrine subdivision, being a replat of Lot 6 Block 14, of the Old Farm Estates Division No. 2, which has been determined to be substantially the same as the Preliminary Plat approved by the City Council earlier; and

WHEREAS, the final plat has been reviewed by all of the relevant parties required for plat approval, including the City Engineer, Planning and Zoning Chairman, City Clerk, Mayor, Owner of the Property, Health Department and County Treasurer; and

WHEREAS, the Council of the City of Sugar City, Idaho feels that the final plat meets all of the city's code requirements;

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 adopts and approves the final plat for the Peregrine subdivision, being a replat of Lot 6 Block 14, Old Farm Estates Division No. 2, in the City of Sugar City, and authorizes the Mayor to execute and record said plat.

PASSED by the Council of the City of Sugar City on this 14<sup>th</sup> day of December, 2017

APPROVED by the Mayor of the City of Sugar City on this 14<sup>th</sup> day of December, 2017.

(SEAL)

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David D. Ogden,  
Mayor

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer

**The City of Sugar City, Idaho**

**Resolution No.: 2017 - 24**

**“A Resolution to Approve and Submit a Grant Proposal to the Local Highway Technical Assistance Council (LHTAC) Through Its Children Pedestrian Safety Program for the Purpose of Constructing Pathways in the Old Farm Estates Area, Designated as Options O, P, Q, N, and L on the Attached Master Plan.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to create a safer environment for children to walk to school and other places in the community, and to help increase the safety and health of all its citizens by providing a pathway system to take pedestrians off the roadways of the city; and

WHEREAS, LHTAC has indicated its desire to consider a grant application through its Children Pedestrian Safety Program which has a 0% match; and

WHEREAS, the Council of the City of Sugar City, Idaho is also willing to provide some match in the form of In-Kind services to help groom and install sprinkler systems or seed grass;

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 submission of a grant proposal to LHTAC in its Children Pedestrian Safety Program for the construction of pathways in Sugar City in the amount of \$250,000 and authorizes the Mayor to execute any and all documents relating to the grant application.

PASSED by the Council of the City of Sugar City on this 14<sup>th</sup> day of December, 2017

APPROVED by the Mayor of the City of Sugar City on this 14<sup>th</sup> day of December, 2017.

(SEAL)

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

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer

**The City of Sugar City, Idaho**

**Resolution No.: 2017 - 25**

**“A Resolution to Approve and Submit a Grant Proposal to the Local Highway Technical Assistance Council (LHTAC) Through Its Local Strategic Initiatives Program (aka Surplus Eliminator Fund) for the Purpose of Moving Highway 33 to Railroad Avenue and Straightening Out Front Street.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to make the entrance into the City of Sugar City safer by having Highway 33 continue onto Railroad Avenue to Center Street in Sugar City, and then moving the Highway 33 designation to that road from the current designation down Front Street, and by making Front Street a true residential road; and

WHEREAS, LHTAC has indicated its desire to consider this change, and accept a grant application to help pay for this change, through the Local Strategic Initiatives Program, which has a 0% match; and

WHEREAS, the Council of the City of Sugar City, Idaho is also willing to provide some match in the form of In-Kind services to help groom and remove the unusable asphalt;

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 submission of a grant proposal to LHTAC in its Local Strategic Initiatives Program for the reconfiguration of Highway 33 and Front Street in the amount of \$500,000 and authorizes the Mayor to execute any and all documents relating to the grant application.

PASSED by the Council of the City of Sugar City on this 14<sup>th</sup> day of December, 2017

APPROVED by the Mayor of the City of Sugar City on this 14<sup>th</sup> day of December, 2017.

(SEAL)

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

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer

**The City of Sugar City, Idaho**

**Resolution No.: 2017 - 26**

**“A Resolution to Approve a Professional Services Contract between Forsgren Associates, Inc. (Forsgren) and the City of Sugar City, to Provide Services for the Water System Improvement Project.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to contract with Forsgren to perform engineering services for the Water System Improvement Project that was approved in the Bond election of November of 2017; and

WHEREAS, Forsgren has offered its services to help the city accomplish the aforementioned purpose, and has demonstrated its expertise by providing similar services to the city before, and has already been procured for this purpose at the time of the original water study; and

WHEREAS, the Council of the City of Sugar City, Idaho feels this partnership with Forsgren will benefit the City by providing these services better than the city can;

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 Professional Services Contract with Forsgren in the maximum amount of \$537,000, and authorizes the Mayor to execute the aforementioned Professional Services Contract.

PASSED by the Council of the City of Sugar City on this 14<sup>th</sup> day of December, 2017

APPROVED by the Mayor of the City of Sugar City on this 14<sup>th</sup> day of December, 2017.

(SEAL)

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David D. Ogden,  
Mayor

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer

**The City of Sugar City, Idaho**

**Resolution No.: 2017 - 27**

**“A Resolution to Approve a Professional Services Contract between East-Central Idaho Planning & Development Association, Inc. (ECIPDA) and the City of Sugar City, to Provide Services for the Water System Improvement Project.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to contract with ECIPDA to perform both administrative and financial services for the Water System Improvement Project that was approved in the Bond election of November of 2017; and

WHEREAS, ECIPDA has offered its services to help the city accomplish the aforementioned purpose, and has demonstrated its expertise by providing similar services to the city before, and has already been procured for this purpose at the time of the original water study; and

WHEREAS, the Council of the City of Sugar City, Idaho feels this partnership with ECIPDA will benefit the City by providing these services better than the city can;

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 Professional Services Contract with ECIPDA in the maximum amount of \$79,000, and authorizes the Mayor to execute the aforementioned Professional Services Contract.

PASSED by the Council of the City of Sugar City on this 14<sup>th</sup> day of December, 2017

APPROVED by the Mayor of the City of Sugar City on this 14<sup>th</sup> day of December, 2017.

(SEAL)

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David D. Ogden,  
Mayor

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer

**The City of Sugar City, Idaho**

**Resolution No.: 2017 - 28**

**“A Resolution to Abandon the Road Currently Known as South 7th West, going from State Highway 33 North to 3<sup>rd</sup> South, With the Exception of any Utility Easements Currently Associated with That Road, in Order to Correct the Long-Standing Safety Problem, the Road Has Experienced.”**

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WHEREAS, the Council of the City of Sugar City, Idaho desires to abandon the road currently known as South 7th West, where it runs from State Highway 33 north to the road known as 3<sup>rd</sup> South. This road currently connects to Highway 33 at an angle which is considered a safety hazard, and which intersection has seen significant accidents over the years. Therefore, the council sees this as a way to correct this long-standing problem; and

WHEREAS, the Idaho Transportation Department has requested the closure of this road, because it has already approved the new connection across the highway having to do with the proposed 5<sup>th</sup> South road in Old Farm Estates, which will correct the angle of the road currently known as South 7<sup>th</sup> West; and

WHEREAS, the Council of the City of Sugar City, Idaho feels the closure of the rail crossing associated with the aforementioned road may benefit the city in providing other crossings for its potential walkway project;

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 abandonment of South 7th West, running from State Highway 33 north to 3<sup>rd</sup> South, and authorizes the Mayor to execute any and all documents to effectuate this abandonment.

PASSED by the Council of the City of Sugar City on this 14<sup>th</sup> day of December, 2017

APPROVED by the Mayor of the City of Sugar City on this 14<sup>th</sup> day of December, 2017.

(SEAL)

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

ATTEST:

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Wendy McLaughlin,  
City Clerk - Treasurer