

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, MAY 22, 2014

Presiding: Mayor Glenn W. Dalling
Meeting Convened at 6:30 p.m.
Prayer: Vaun Waddell
Pledge of Allegiance

Present: Mayor Dalling; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Lamont Merrill, Vaun Waddell, and Burch Drake; Catherine Nielsen; JoAnn Clark; Travis Williams; and Dax Harris. Chairman David Ogden, Planning and Zoning Commission, was excused.

The mayor asked if there were any corrections to the minutes of the regular meeting held on May 8, 2014. Each councilman had a copy of the minutes prior to the meeting. It was moved by Mr. Drake and seconded by Mr. King to accept the minutes; motion carried.

PLANNING & ZONING REPORT: No report.

TUCKER ADAMSON ZONE CHANGE DECISION: Mr. King appreciated the reasoned and sound recommendation from the P&Z Commission to deny the proposed zone change for the Tucker Adamson property. The Comprehensive Plan for Sugar City was sought and governed part of the decision process.

MOTION: It was moved by Mr. Waddell and seconded by Mr. Merrill to accept the recommendation of the P&Z Commission to deny the Adamson property zone change from R2 (medium density) to R3 (high density). Motion carried. Mayor Dalling will send a letter to Mr. Adamson notifying him of the decision.

SOLICITATION SPECIAL PERMITS: The mayor sought counsel from City Attorney Bill Forsberg about the legality of granting special solicitation permits to certain individuals or businesses. Currently the city has an anti-solicitation code (Chapter 3-2B), with certain exceptions. The exceptions are political and charitable solicitations and religious proselyting. Recently, the code is being challenged as unconstitutional, with examples of unfavorable court cases prevailing in nearby cities and nationally. The mayor asked Mr. King to read a memo drafted by the city attorney. The memo reminded the council that the code does not allow provisions for commercial door-to-door solicitation, or to waive the prohibition on a case-by-case basis. The code would first need to be amended (see attachment). However, the “Sugar City ordinance is apparently based upon a similar Pocatello ordinance, which has been upheld by the Supreme Court.” The city could allow limited solicitation by granting licenses if changed. The council discussed the matter further, favoring the code as now written.

Travis Williams asked to address the council. He is employed by Pinnacle Satellite and Dish Network and would like to have the code changed to allow companies such as those he works for go door to door. Mr. Williams has worked in law enforcement for several years and only remembers one case when a citizen may have been taken advantage of by a door-to-door salesman. “The grounds for fear of being robbed or scammed are just not there,” said Williams. He brought a copy of the court case against Pocatello and Idaho Falls to the meeting for the council to read. The council will read the court case and prepare for further review of the code.

LARGE-VEHICLE PARKING ORDINANCE REVIEW: The council reviewed the large-vehicle parking ordinance and the insert which will go out with June's monthly utility billing. The insert notifies and invites the public to attend and comment at three separate readings to be held on June 26, July 10, and July 24. It also identifies three main reasons the city council is considering an ordinance that restricts parking of large vehicles, summarized below:

- Safety - Large vehicles restrict vision and crowd space.
- Taxpayer Dollars - Residential streets generally are not engineered for heavy loads.
- Residential Community – Large vehicles are not consistent with reasons people live in residential zones.

There has been resistance to the idea of an ordinance that restricts parking on residential streets for large vehicles such as semi-trucks. Businessmen and residents from the city and surrounding area have signed petitions with more than one hundred signatures. However, some feel that many signed on the basis of one man feeling persecuted. The council discussed both sides of the issue. "We must always ask ourselves: Are we over-regulating; are we being unwise," Mr. King said. The issue of enforcement will need to be addressed. Currently, even general parking restrictions are not being enforced as they could be. Attention also focused on the definition for large vehicles as anything over 8,000 pounds. The council discussed how this might be too restrictive, including pick-up trucks and other unintended vehicles. The mayor and Mr. Merrill will obtain weight standards for large tractor-trailer rigs (tractor-truck vehicles) to avoid confusion. The council will make the change in definition to the draft ordinance before the first reading takes place.

OLD FARM ESTATES TIMELINE: The mayor reviewed with the council a brief history of the Old Farm Estates development. An understanding of prior agreements pertaining to the development is essential for the council to make sound decisions going forward. Gary Stillman, owner of the property, is anxious to begin building, starting with three spec homes. However, improvements completed five years ago before the economic downturn in the housing industry have never been officially accepted by the city. Ryan Lerwill, of Countrywide Properties, who is a builder and representative for Mr. Stillman, has sought a permit from the city. An "As Constructed" letter from Mr. Stillman was received encouraging acceptance of the improvements so construction would not be delayed. The city has sought counsel from Attorney Bill Forsberg on how to proceed. Concerns over the improvements "sitting" for five years and known needed repairs prompted city officials to act judiciously. The council agreed to ask Dick Dyer, city engineer, to create a memo to be sent to Mr. Stillman and to Mr. Lerwill after he reviews the development agreement.

REXBURG URBAN DEVELOPMENT DISTRICT: Mayor Dalling and Mr. Waddell met with Workforce Development Director Terry Butikofer to change the Rexburg Urban Development District to include all of Sandra Ball's property and exclude SunGlo/Crapo and Dickinson properties. They also asked that the wording be changed to show Sugar City as a separate entity to the district, working with and in conjunction with Rexburg. Terry was agreeable to the changes, provided Rexburg's city attorney approves.

MOTION: It was moved by Mr. Waddell and seconded by Mr. Merrill to proceed under the motion of 13 March 2014 to adopt the proposed resolution on the Urban Renewal District in cooperation with Rexburg, but to except the provision to include SunGlo/Crapo and Dickinson properties, that is, to approve the map of the district received from Terry Butikofer on 20 May 2014. Motion carried.

CLYDE HAACKE PROPERTY LEASE: The council reviewed a proposed property use agreement between city resident Clyde Haacke and Sugar City. The agreement would lease to Mr. Haacke a strip of land that belongs to the city. After the 1976 Teton Dam Flood, Third South was not re-engineered to plat specification but was formed as a result of “general” thoroughfare of what once existed. The use agreement would provide Mr. Haacke additional land width needed to build his home in compliance with city code setbacks. The council discussed leasing the city property to Mr. Haacke without an annual fee, but Mr. Haacke would need to pay for document preparation, which will be about \$150. The city attorney will be asked to add to the agreement the width of property to be leased before the contract is finalized.

MOTION: It was moved by Mr. Waddell and seconded by Mr. King to approve the Easement and Use Agreement with Clyde Haacke on a strip of land (Property 1) abutting Lot 7 Block 54 Plat A (Property 2) along its south side, approximately 7 feet wide, provided that any structure on the lot observe setback requirements in 9-3-7A Code, with maximum north/south width of any structure being 52 feet drip line to drip line, provided that Mr. Haacke pay costs of documentation, and understanding that the use agreement involves no annual payment. Motion carried.

DEPARTMENT REPORTS:

COUNCILMAN KING: Half Interchange – Officials of the District 6 office of the Idaho Transportation Department plan to notify Sugar City of the agency’s position on the half interchange in June, when the district’s new head engineer, Kimbol Allen, has had time to add his perspective to the thinking of the other district executives. The Idaho Transportation Department has dropped plans for a maintenance yard southeast of the Driggs-Jackson interchange (Exit 339) on U.S. 20, redirecting money earmarked for the purchase of land at the location for other uses. The reluctance of Eastern Idaho Railroad to grant a railroad crossing at the location prompted the decision.

Tree and Beautification Committee: The committee asked whether the city or the Idaho Transportation Department is responsible to reconstruct the aging sidewalk along the south side of Idaho 33 (Center Street) between Brad’s Exxon station and Janet Harris’s home. Mr. King reported that whoever owns the land under the sidewalks is responsible for reconstructing them, when reconstruction is deemed necessary. Officials of the Idaho Transportation Department believe that the agency may own the land under this stretch of sidewalk, since its highway right of way in cities often extends across the road from back of sidewalk to back of sidewalk, or even from face of building to face of building. But agency officials would have to check highway plans to know for sure. If the transportation department owns the sidewalk, it will have to schedule reconstruction or replacement years in advance. It also will have to comply with regulations of the Americans with Disabilities Act (ADA) through constructing wheelchair ramps on corners of intersections.

COUNCILMAN MERRILL: The front façade is on schedule. Beams are ordered and will be manufactured during the month of June.

The Local Emergency Planning Committee (LEPC) will be hosting the “Raging Staging” event to be held the first weekend in June.

COUNCILMAN WADDELL:

Teton Dam Marathon: The marathon is on schedule for the second Saturday in June – June 14. Participation in the event has dwindled from past years, as has Sugar City’s involvement. Last year, enrollment was less than half of what it was 2 to 3 years before. This year’s enrollment is slightly less than last year’s, but there are two weeks left

before the event. The marathon started out as Sugar City's event (Teton Dam Flood Run). The city would like to be more involved in the planning, advertising and management of the event. Mr. Waddell attempted over previous years to have the half-marathon routed through Sugar City, but without success. Sugar City has been a great support for the event. Mayor Dalling will talk to Rexburg Mayor Richard Woodland to see if some changes could be considered. Tom Anderson, event coordinator, has invited Mayor Dalling to help hand out awards on June 14.

COUNCILMAN DRAKE: Mr Drake will talk to the Tree and Beautification Committee about a 4th of July parade float. The city entered a float in the parade last year that won a first-place award. Planning and constructing a float is a lot of work, requiring a significant time commitment. Simple floats of vehicles decorated with signs promote commercial business instead.

Mr. Drake thanked the mayor for his efforts in support of the annual Arbor Day tree-planting ceremony. Three new trees were planted, with Sugar City recognized for the eleventh consecutive year as a Tree City USA.

Dax Harris has asked to build a picture memorial of the grain silo for his Eagle Scout project, which would feature a scaled-down replica of the grain silo. Stucco used for the replica would be donated. The mayor wanted to let the "dust settle" before any additional projects are located at the site. A safety crosswalk is also needed at the busy intersection of Center Street and Front Street to facilitate safe access to the silo park area. The Idaho Transportation Department may need to authorize the crosswalk.

Austin Avenue and 2nd South have been crack-sealed as part of the city's scheduled street repair and maintenance program this year. Costs of road maintenance are high, accounting for most of the city's budgeted expenses.

MAYOR'S BUSINESS:

Blackfoot Mayor's Cup: Lexie Moser, a city employee, represented Sugar City in the Blackfoot Mayor's Cup Saturday, May 17. She not only won the Mayor's Cup but also the Women's 5K, which was the same day. Sugar City will display the trophy for the year until the next winner claims it.

Toscano Update: At a recent sheriff's sale of the remaining block of Toscano property, Dwayne Seiter, a major developer and part owner of the planned Toscano development, was the high bidder to buy the property in foreclosure.

Meeting adjourned at 8:55 p.m.

Signed: _____
Glenn W. Dalling, Mayor

Attested: _____
Wendy McLaughlin, Clerk-Treasurer

3-2B-1

3-2B-2

CHAPTER 2

NUISANCES

ARTICLE B. SOLICITORS AND PEDDLERS

SECTION:

- 3-2B-1: Declaration Of Nuisance
3-2B-2: Certain Solicitation Allowed

3-2B-1: **DECLARATION OF NUISANCE:** Going upon or into private residential property and soliciting sales or selling goods or services, not having been requested or invited by the owners or occupants, is hereby declared to be a public nuisance and punishable as a misdemeanor. (Ord. 294, 7-28-2011)

3-2B-2: **CERTAIN SOLICITATION ALLOWED:** Nothing herein shall prevent door to door dissemination of political campaign materials, the exercise of the political franchise, or campaign activities, voter registration activities, proselytizing or dissemination of religious faith or viewpoint, or the solicitation of contributions or donations by any education related, charitable, or religious organization qualified under 26 United States Code (USC) section 501. Door to door fundraisers for Boy Scouts, Girl Scouts, and other nonprofit organizations also are permitted. (Ord. 294, 7-28-2011)