

MINUTES OF REGULAR MEETING  
SUGAR CITY COUNCIL  
THURSDAY, AUGUST 14, 2014

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

Present: Mayor Dalling; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Lamont Merrill, Vaun Waddell, and Burch Drake; Chairman David Ogden of Planning and Zoning Commission; Devan Barker, Heidi Barker, Joseph Eaton, Virginia Brown, Jess Brown, William Katko, Amy Nicol, Tanner Nicol, Arlene Thurston, Russell Thurston, Mark Oliphant, and Linda Parker.

The mayor asked if there were any corrections to the minutes of the regular meeting held on July 24, 2014. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman King and seconded by Councilman Merrill to accept the minutes; motion carried.

**ANIMAL ORDINANCE #304 PUBLIC COMMENTS – FIRST OF THREE:**

Public comments were heard on Animal Ordinance #304, which was passed May 8, 2014. Devan Barker, Joseph Eaton, Jess and Virginia Brown, and Mark Oliphant testified against aspects of the ordinance, citing what they viewed as:

- Over regulation (the council should use existing nuisance laws rather than enact a new law to regulate problem animals)
- Unregulated cats, which are a citywide problem
- Unwisely outlawing beneficial animals
- Denying citizens opportunities to be self-reliant
- Passing the ordinance without adequate public input or knowledge

The council will allow two more periods for public comment, one August 28 and one September 11. Comments are recorded for council review. Councilman King noted that the ordinance was not drafted and enacted hastily. In fact, councilmen worked long and hard on it, with no intent to omit public input. The city announced the proposed ordinance through its regular channels, i.e., newspaper notice and city hall postings. To reach more people in the future, the city will send out a notification when each proposed ordinance is to be read at City Council meeting.

**RECONCILIATION REPORTS:** Wendy presented the July reconciliation reports for the General Fund. It was moved by Councilman Drake and seconded by Councilman Merrill to accept the July reconciliation reports for the General Fund; motion carried. Wendy presented the July reconciliation reports for the Utility Fund. It was moved by Councilman Waddell and seconded by Councilman King to accept the July reconciliation reports for the Utility Fund; motion carried.

Wendy presented the current bills in the amount of \$75,717.73. It was moved by Councilman Waddell and seconded by Councilman Drake to pay the current bills, together with all regular

August bills; motion carried.

**PLANNING & ZONING REPORT:** Commissioner Dave Ogden reported the commission is preparing for the public hearing set for Thursday, September 4, 2014. Proposed Land Use and Zoning Maps are on file at Sugar City Hall for the public to view or take a copy. The question of whether the Todd Harris property should be shown on the map as part of Sugar City's impact area was resolved. The property is properly shown in Sugar City's impact area as agreed earlier. Madison County has been involved in the preparation of the public hearing.

Some proposed changes are:

- Impact area south of town changed from agricultural to transitional agriculture
- Idaho Highway 33 between Moody exit and Sugar City changed to highway commercial
- Neeley property north of the business park changed to commercial

**LARGE VEHICLE PARKING ORDINANCE REVIEW & POSSIBLE CHANGES:** The council discussed input provided by citizens at three separate meetings on the proposed Large Vehicle Parking Ordinance. In behalf of city officials, Councilman King thanked all who participated in the public comment sessions and responded to many of the concerns raised by citizens, including the view that the proposed ordinance jeopardizes personal liberty or private property rights (see attachment 1). The council reconsidered themes of the ordinance and related issues:

- Residential streets are not built to accommodate large vehicle traffic
- The signed petition did not give sufficient information to the signers
- Large vehicles parked on residential streets create a safety hazard
- Friends and neighbors may have inadvertently created difficulty for those who would like to testify for or against the proposed ordinance

A decision on the ordinance was postponed. The council will carefully review it again, considering potential changes:

- Lengthen 12-hour RV parking
- Raise gross vehicle weight from 10,000 pounds
- Add a six-month grace period before the ordinance takes effect

The council also will consider enforcement challenges and possible solutions.

**AT LARGE DOG PROBLEM:** Councilman King reported that his sister-in-law was bitten by an at large dog, which appeared to be the same one that showed aggression toward him such that he felt he had to face the dog down or be attacked as he backed up all the way to his house. A report was filed with Madison County Sheriff's Office. It is now out of the city's jurisdiction. The mayor was asked to contact the City of Rexburg and Madison County regarding help on our loose dog problem in Sugar City.

**OLD FARM ESTATES DEVELOPMENT PHASE ONE ACCEPTANCE:** Rescheduled for August 28, 2014, council meeting.

**ADOPTION OF TENTATIVE BUDGET:** Wendy presented the proposed 2015 budget to the council for adoption. Changes to this year's budget include:

- Syringa and AT&T will be listed in the General Budget instead of the Utility Budget
- Animal Control will be added as a line item in the budget

**MOTION:** It was moved by Councilman Waddell and seconded by Councilman Drake to adopt the proposed tentative budget for 2015 and to reopen the current budget to pay for projects planned and budgeted for last fiscal year but not undertaken until this fiscal year. Motion carried.

**MONDAY MORNING ATTORNEY MEETINGS:** Mayor Dalling reported that each Monday morning at 11 o'clock City Attorney Bill Forsberg meets with Mayor Dalling at City Hall to discuss any issues that need to be addressed. The council was invited to attend or send in any questions or concerns at the weekly morning meeting. To avoid violating the open meeting law, the council was reminded that not more than two council members can be present at one time.

**CITY OFFICE SIGN:** Councilman Drake proposed to include the old Sugar City Hall bell in the design of the new sign. Councilman Drake represented the Tree and Beautification Committee, which is asking the council to approve of the bell in the sign design. It is thought that the bell will lend aesthetic and historic value to the sign, and thus should be displayed prominently at city hall.

The consensus of the council was not to include the bell, but rather to display it in a future Sugar City museum.

**RECYCLING WASTE MATERIALS:** Kenneth Rawson of Sugar City asked before the meeting if Sugar City could put recycling bins out for those who recycle. Councilman Bruce King was assigned to find more information on recycling and how Sugar City could participate, if desired.

**FRONT FACADE:** Councilman Merrill reported that the stucco on the front façade was planned to be completed during the week. Daniel Morris is planning to start on the masonry. The cap on top will be the finishing job.

**CHC FOUNDATION MATCHING GRANT:** Clerk-Treasurer Wendy McLaughlin reported that, in behalf of the city, she filed an application with the CHC Foundation for a grant to improve the Business Park walking path. Money is needed to help pave, landscape, and install a rest area along the path. The foundation will notify the city in November whether they receive any funding.

### **DEPARTMENT REPORTS:**

**COUNCILMAN MERRILL:** Councilman Merrill attended two Urban Renewal District meetings and reported that as soon as there is an opening on the committee Sugar City will have a representative. Right now Councilman Merrill has been attending to stay abreast of Sugar City's main interest in the North Rexburg Interchange District and the developments concerning the area included in Sugar City's limits and impact area.

**COUNCILMAN WADDELL:** Councilman Waddell reported that the annual community breakfast was again very successful. The food was well prepared and served. A letter has been sent to Stone's Town and Country Motors thanking them for their \$1,000 donation and their help in preparing and serving the food. About 600 people attended, 100 fewer than last year.

**COUNCILMAN KING:** Councilman King complimented Councilman Waddell on effectively handling major city social events: “Thanks to Vaun for his conscientious attention to detail in organizing and implementing the annual Easter Egg Hunt and Pioneer Community Breakfast. His fine work in this and all other aspects of his responsibilities is a credit to himself and a boon to Sugar City, furthering public trust, good will, and esprit de corps.”

**COUNCILMAN DRAKE:** Councilman Drake reported that the street projects were being completed for crack sealing and fog coating. Councilman King was concerned with some of the streets not getting an even coat of fog sealing, which left streaks and loose gravel in areas where the oil coat was thin. The council was evenly divided on spending \$7,000 more to have the thinner areas redone. The mayor will visit with county officials before making the decision on the additional \$7,000 for top coating. The purpose of fog coating is to help lock in rock chips.

**MAYOR’S BUSINESS:**

**AT&T Expansion** – A suggestion has been made to the AT&T officials on the expansion location by the Mayor Dalling and Councilman Merrill.

**Letter to Syringa** – The mayor was asked to write a letter to Syringa regarding part of their contract regarding the three cell phones they furnish and the problems relating to the service area.

Meeting adjourned at 10 p.m.

Signed: \_\_\_\_\_  
Glenn W. Dalling, Mayor

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

## ATTACHMENT 1

Councilman King observed that in *Munn v. State of Illinois*, 94 U.S. 113 (1876), Justice Stephen J. Field, in his dissent from the majority, who the justice felt violated private property rights, said the state may control use of private property when necessary to protect neighbors. Even Justice Field, who was joined by another U.S. Supreme Court justice, believed that individual property rights are not absolute:

"The power of the State over the property of the citizen under the constitutional guaranty is well defined. The State may take his property for public uses, upon just compensation being made therefor. It may take a portion of his property by way of taxation for the support of the government. It may control the use and possession of his property, so far as may be necessary for the protection of the rights of others, and to secure to them the equal use and enjoyment of their property. The doctrine that each one must so use his own [property] as not to injure his neighbor—*sic utere tuo ut alienum non laedas*—is the rule by which every member or society must possess and enjoy his property; and all legislation essential to secure this common and equal enjoyment is a legitimate exercise of State authority."