

MINUTES OF REGULAR MEETING
SUGAR CITY COUNCIL
THURSDAY, OCTOBER 23, 2014

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

Present: Mayor Glenn W. Dalling; Clerk-Treasurer Wendy McLaughlin; Councilmen Bruce King, Lamont Merrill, Vaun Waddell, and Burch Drake. Chairman David Ogden of the Planning and Zoning Commission; Citizens Mackenzie Casper, Bob Moon, Bev Moon, Denae Meikle, Vessica Prescott, Emmaline Parkinson, Caleb Despain of the *Standard Journal*, Blake Harris, Kendra Miner and Nina Wolhsberg.

The mayor asked if there were any corrections to the minutes of the regular meeting held on October 9, 2014. Each councilman had a copy of the minutes prior to the meeting. It was moved by Councilman Merrill and seconded by Councilman Waddell to accept the minutes; motion carried.

PROPOSED LARGE VEHICLE PARKING ORDINANCE: Councilman Drake was recused. Mayor Glenn W. Dalling gave a short historical review of the recommended Large Vehicle Parking Ordinance, first proposed in January of 2014. Since then the proposed Large Vehicle Parking Ordinance has been on the agenda of and discussed in most regular City Council meetings. A petition was circulated against the idea of a large vehicle parking restriction in March, and more than 100 people signed it. Public hearings were held and public comments taken at three consecutive regular meetings in June and July. Over the past two months, the council has reviewed the comments and discussed possible options. On October 23, 2014, a draft – one of many iterations – was presented for a final vote by the council. Before voting, each council member had an opportunity to present his position on the proposal and why he took that position (see Attachment 1).

ORDINANCE NO. 305:

Ordinance No. 305 entitled:

“AN ORDINANCE AMENDING THE CITY CODE TO REPEAL THE PRESENT SECTIONS 5-2-6 E, 5-2-10 C, AND REPLACE THEM WITH A NEW SECTION 5-2-6 E THROUGH Q, RESTRICTING LARGE VEHICLE PARKING IN RESIDENTIAL ZONES, PROVIDING FOR THE FUTURE REGULATION OF SUCH PARKING IN NON-RESIDENTIAL ZONES, AND AMENDING SECTION 5-2-11 A. 1. BY ADDING A NEW SECTION 5-2-11 F, TO PROVIDE A PENALTY FOR THE VIOLATION OF SUCH RESTRICTIONS, AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.”

The ordinance had been read earlier by title on three different days. It was moved by Councilman King and seconded by Councilman Waddell to place it upon its final passage and adopt

the council, had been duly carried. It was moved by Councilman Waddell and seconded by Councilman Merrill to adopt this ordinance. Thereupon, the clerk called roll upon the motion.

Those voting aye: Councilmen Drake, King, Merrill, and Waddell

Those voting nay: None

Ordinance No.307 was thereupon declared by the mayor to have been duly passed by not less than two-thirds of the council. The ordinance will be presented to Madison County for their adoption, at which time the ordinance will be signed by presiding officials of Sugar City and Madison County to make it final. The clerk will publish Ordinance No. 306 in summary or full immediately after Madison County's adoption in at least one issue of the *Standard Journal*, a newspaper published in the city of Rexburg, Madison County, Idaho.

SUGAR CITY/TETON SEWER AGREEMENT: Rexburg will continue billing the city of Teton for sewage dumped into Sugar City's sewer lines, because the Tri-City Wastewater Agreement approved in January of 2014 didn't specifically address how Teton would be billed. City Engineer Dick Dyer reviewed the agreement in January and understood it to mean that Sugar City would start billing Teton with the start of the new fiscal year in October 2014. But without a signed agreement to that effect, Rexburg decided to keep billing as they have done in the past. Sugar City Attorney Bill Forsberg will draft an agreement between Teton and Sugar City, stating that Sugar City will bill Teton directly. Total usage of the Sugar City sewer lines by the two cities will be measured at the Moody lift station. Any overage assessment would be applied only after consideration of the total capacity of the sewer system in use by the two cities.

SELECTION OF ENGINEERING FIRM FOR WATER SYSTEM STUDY: The council will decide among four engineering firms for a grant received to study Sugar City's water-delivery system. The four companies are Forsgren Associates, Norwest Engineering Services, The Dyer Group, and Williams Engineering. The Development Company submitted a proposal to administer the grant in return for 5% of the grant amount. The mayor and council decided not to invite representatives of the engineering firms to present their proposals to the council in person. The council will review each proposal packet and score them by (see Attachment 2):

- Personal qualifications
- Water experience
- Funding/administration experience
- Project area experience and relationships
- Scope of services

Scores should be turned in by Monday, November 10. A final decision will be made during council meeting on Thursday, November 13.

Forsgren Associates performed a water study for Sugar City about six years ago. However, Forsgren says the study is now obsolete. The proposed water study will evaluate the condition of the existing water system, needed repairs, and the system's capacity to serve further development, as well as consider water rights that need to be obtained to meet culinary and irrigation demands as the city grows.

FRONT FACADE ACCOUNTING: The council was given an expense report on construction of the front façade. Total cost of the new facade was \$36,869.45, less donated labor of \$3,000 and donated money of \$10,000, resulting in the final cost of \$23,869.45 (see Attachment 3).

CITYWIDE CLEAN-UP REPORT: The fall citywide clean-up began Monday, October 20, and ended Wednesday, October 22. There were 52 loads collected and disposed. City Public Works Director Zane Baler reported an overall reduction in time, labor, and fuel, which is commendable.

DEPARTMENT REPORTS:

COUNCILMAN MERRILL: Councilman Merrill reported that one of the city's main sewer lift-station generators is obsolete and needs to be replaced. Public Works Director Zane Baler has found a new used generator for around \$18,000, half the price of a new generator. Zane will find out if he can obtain a warranty on the generator. Councilman Merrill and the mayor have been authorized to arrange for purchasing and installing a generator and to make any other necessary changes related to current sewer issues, considering available information.

COUNCILMAN WADDELL: No report. Will donate time to cater Christmas dinner again this year.

COUNCILMAN KING: No report.

COUNCILMAN DRAKE: Lighting of the city Christmas trees is scheduled for Monday, December 1, 2014, at 6 p.m. Hot apple cider and cookies, coupled with a visit from Santa Claus, will highlight the event. The Tree and Beautification Committee is also looking for help to decorate the trees in the park on Saturday, Nov. 29.

MAYOR'S BUSINESS:

Christmas Dinner – This year's Christmas dinner for city officials, staff members, and spouses will be Friday, December 5, 2014, at the high school cafeteria.

School Parking Signage Report – The school and Sugar City enforcement officers are pleased with the results of moving the "no parking" signs along Third South (at the south end of the ball fields) to the south side of the street and allowing parking along the ball fields on the north side of Third South.

Meeting adjourned at 8:10 p.m.

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

Attested: Wendy McLaughlin
Wendy McLaughlin, Clerk-Treasurer

Councilman Bruce King's response October 23, 2014, to citizen input on a proposed ordinance to prohibit parking of large vehicles (tractor-trailer rigs, grain combines, hay swathers, etc.) in residential neighborhoods:

On behalf of the mayor, council and staff, I express appreciation to each person who shared his or her views on the proposed ordinance during our three public hearings, which was helpful. I wish to respond to some of the main opinions with my own thinking.

First, to the opinion that one person initiated the ordinance, my response is that laws nearly always come about because one person or a small group of people propose them, feeling that things are amiss.

Second, to the opinion that this is a rural community, my response is that rural communities typically surround a city, but that doesn't turn the city into one.

Third, the ordinance should cover motor homes? I agree, and we have included provisions incorporating that suggestion into our latest bill or recommended law.

Fourth, fewer ordinances are in order? Yes, unless they are needed for public peace and safety.

Fifth, the signed petition should have stopped the ordinance? I believe that if a citywide vote of the ordinance in its new form was taken, the majority of residents would favor it.

Sixth, to the opinion that tractor-trailer rigs and large motor homes block the view of residents and visitors, thus becoming a safety and aesthetics hazard – I agree. It is important to note that other cities, including Rexburg and St. Anthony, restrict large vehicles from parking on residential streets. This is not a novel idea. Rather, it helps ensure street safety.

Seventh, large trucks and other heavy vehicles wear roads more than do cars and pickups. Research bears this out.

Eighth, the most important issue is liberty. Yes, but your neighbor's liberty is just as important as yours.

In 1876, Justice Stephen J. Field of the U.S. Supreme Court, joined by another High Court justice, issued this statement, which I believe is relevant today:

"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 so] as not to injure his neighbor—sic utere tuo ut alienum non laedas—is the rule by which every member of 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." (Munn v. State of Illinois, 94 U.S. 113)

To my way of thinking, regularly parking large tractor-trailer rigs, massive farm machines or implements, and huge recreational vehicles on residential streets violates this “common and equal enjoyment” clause for neighbors.

I wish to point out that this proposed new ordinance is actually less restrictive in some ways than certain provisions of our existing code.

Ultimately, I support the proposed ordinance. In my view, to drop it or to further water it down would undermine the general welfare of the community, which I believe is destined to grow. We are not strictly an agricultural community anymore. Moreover, the realities of municipal growth in our modern, technological world means that we will increasingly depart from this model in the future.

Please know that the intent here is not to punish truckers, farmers, or anyone else. Rather, the goal is to serve the developing community at large, which, as I understand it, is our responsibility. We must look to the needs of future as well as present generations.

Truckers, farmers, and owners of large recreational vehicles might consider seeking permission to park their outfits at the old Sugar Food Town lot or on other parcels of private property in the city.

Such are my views. Thank you.

Councilman Vaun Waddell:

Thanks to those who have spoken before the council, and thanks also to the city attorney, Mr. Forsberg, who has been patient through many drafts. An inevitable tension in our small town, Sugar City, is the tension between country living and city living. As population becomes concentrated, just as financial costs rise for serving each person, so it also become necessary to increase regulation to assure people’s common and equal enjoyment of their property, as explained by Mr. King. Philosophically, I agree with Henry David Thoreau, who said, “that government is best which governs least.” But, as a practical matter, certain regulations serve the public interest. I believe this ordinance in its latest form is appropriate for Sugar City. I expect to vote in favor of it.

Councilman Mont Merrill:

I think this is now a good ordinance. But, in my opinion, it isn’t needed at this time. That day may come.

Councilman Burch Drake was excused.

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**Sugar City
Water Study and Facility Improvements
Proposal Review
October 2014**

Reviewer: _____

Firm Name: _____

Criteria	Rating Scale (Points)									
	1	2	3	4	5	6	8	9	10	
1. Personnel Qualifications	not qualified			average			most qualified			
Rating:	1	2	3	4	5	6	8	9	10	
2. Water Experience	none			10 or fewer projects			20+ projects			
Rating:	1	2	3	4	5	6	8	9	10	
3. Funding/Admin Experience	none			10 or fewer projects			20+ projects			
Rating:	1	2	3	4	5	6	8	9	10	
4. Project Area Experience & Relationships	none, no relationships			some projects, acquainted w/ players			many projects, well known			
Rating:	1	2	3	4	5	6	8	9	10	
5. Scope of Services	not described			some functions			all facets			
Rating:	1	2	3	4	5	6	8	9	10	

Total Score (add ratings for Criteria 1 through 5 and write total here):

Front Facade	Amount
Materials	
Lights	\$ 689.34
Beams	\$ 8,225.60
Shingles	\$ 772.50
Rock	\$ 3,180.15
Misc. Materials	\$ 3,571.53
Total	\$ 16,439.12
Contract Labor	
General Contractor	\$ 3,000.00
Framing	\$ 6,271.70
Electrical	\$ 698.63
Plastering	\$ 2,980.00
Masonry	\$ 7,250.00
Roofing	\$ 230.00
Total	\$ 20,430.33
*Grand Total	\$ 36,869.45
Donated Time	\$ (3,000.00)
Donation for Facade	\$ (10,000.00)
Total Cost to City	\$ 23,869.45

*Does not include the metal cap or labor to install it.