

**COUNCIL MEETING MINUTES- JULY 27, 2005 7:00 PM  
ST. ANTHONY CITY HALL  
420 NORTH BRIDGE, ST ANTHONY, IDAHO**

**PRESENT:** Mayor Bill Beck, Councilmembers Joyce Edlefsen, Darby Merrill, Cathy Koon, Bill Butterfield, Shawn Fransen and Garth Rose (arrived later in meeting).

**ALSO PRESENT:** City Attorney Penny Stanford, Deputy Clerk April Calonge, Police Chief Bryan Fullmer, newsmedia and concerned citizens.

**TETON HIGHWAY ANNEXATION:** Mayor Beck reported that they had held a public forum 6 weeks ago in which many interested people showed up and voiced their concerns. He reported that Schiess and Associates could do the advising for around \$5,000.00. The Mayor asked the Council if they wanted to move ahead and seek answers to the questions and concerns that were brought up at the forum. Councilmember Edlefsen made a motion to move ahead and get the answers that are needed. Councilmember Merrill seconded it. Mayor Beck stated that after they had the information needed they would hold another public meeting.

**PARKING TICKETS:** Bob Bauer spoke to the Council stating he felt that the City is going a bit too far with the parking ordinances. He stated that he had some relatives come down from Montana and during the week they were moving they received three tickets for parking on the street overnight. He stated that if he knew the street sweeping schedule he would have his tenants park in the parking lot on those nights. He has no problem having them park in the parking lot all the time in the winter because no one knows when it is going to snow and the streets will need to be clear. His concern is that from 2:00 a.m. to 6:00 am there is not a great usage of the business portion of those two buildings. He feels that during the daytime is when parking restrictions should take place, as that is when the businesses will need those spaces. He asked the Council to look through the City Ordinances and find a way to make it work for everyone. Discussion followed.

Mayor Beck stated that the law has to be even straight across the board. They cannot enforce a law on one street without enforcing it on all the others. The Mayor stated he would meet with City Attorney Penny Stanford and Police Chief Bryan Fullmer to discuss the possibility of a special use permit for parking trailers.

**SNOW LOAD REQUIREMENTS:** Mayor reported that when we adopted the International Building Code there was a requirement in there for mobile homes to have a 35lb snow load. This means that anything manufactured from 2001 to present has a 35lb snow load while those manufactured from 1976-2000 only have a 30lb snow load.

City Attorney Penny Stanford reported that she had received letters from Shane Miller that had gone back and forth between the Department of Housing and Urban Development, the secretary of Federal Housing Commission, David Williamson from the office of Consumer Regulatory Affairs and the State of Idaho Building Safety Director Jack Crane from 1997. She tried to contact the Idaho Dept. of Building Safety but could not get anyone to return her calls. The statutes and code of federal regulations that the letters refer to have not changed. The bottom line is that the federal standard preempts any state or local government authority from applying any standard that is different from federal. The federal standard that is set in the Code of Regulations

states that the snow load for a manufactured home is 30lbs per square foot. If the City were to enforce the 35lb snow load they would have to allow for shed roofs, or ramadas, which are snow roofs that are built on the outside of the trailer, which the County said they wouldn't allow. The other allowance would be a snow removal maintenance agreement which there is no way to enforce. City Attorney Stanford recommended sending a letter to the County stating the City snow load is going to be 30lbs per square foot for mobile homes, per federal regulations. Councilmember Merrill made a motion to accept the City Attorney's recommendation. Cathy Koon seconded it. Unanimous Approval.

**WEBSITE WORK CONTRACT:** Mayor Beck reported to the Council that he volunteered to pay Will Rhea to put some information on a computer disc for the Byway Committee that they needed to send to Boise. The bill was \$200.00. The Mayor stated that if the Council felt he should pay for it personally then he would. Discussion followed. Councilmember Rose made a motion to pay the bill. Councilmember Fransen seconded it with Councilmember Butterfield in agreement. Councilmembers Koon, Edlefsen and Merrill voted against the motion to pay. Mayor Beck voted against payment also, stating he would personally reimburse the City.

Chief Fullmer suggested to the Council to invite Lacey Ekberg to the next meeting and request a \$200.00 donation for the Byway committee. Council agreed and decided payment would wait until the next meeting.

Mayor Beck reported to the Council that Rhea Computer Consulting has submitted a yearly contract for website work for the Council to review. The cost would be \$150.00 a month.

Councilmember Koon brought up some concerns about the contract stating that the contract does not say what he is going to do for \$150.00, it should list specifics; it also doesn't address the extra work that he does that he charges us \$450.00 for.

City Attorney Stanford reported that this contract is just for the website design and maintenance. She suggested that Councilmember Koon get in touch with Will Rhea and write a list detailing the changes needed and a new contract could be drawn up. She also suggested getting bids from other people to see if we are paying the lowest price.

Councilmember Fransen reported that he spoke with Larry Stone and he could come to the next council meeting and talk with the Council about website work and costs. Discussion followed.

Councilmember Fransen made a motion to table the contract. Councilmember Merrill seconded it. Unanimous Approval. Mayor Beck stated they would invite Larry Stone to the next meeting.

**EPA FINE:** Mayor Beck reported that in executive session two weeks ago he had reported to the Council that the EPA had fined St. Anthony \$50,450.00, within a couple of days Marvin Fielding, an engineer from Schiess and Associates had called him and told him that the EPA had used the wrong information to figure the fine. He recalculated the fine and it was set to \$33,000.00. Councilmember Merrill made a motion to approve payment of fine. Councilmember Koon seconded it. Councilmember Rose denied payment, everyone else approved.

**GEISLER-BENNETT ANNEXATION:** Mayor Beck reported that the Planning and Zoning's recommendation is to annex the properties as R1A. Councilmember Edlefsen made a motion to approve the annexation with a zoning of R1A. Councilmember Rose seconded it. Unanimous Approval.

**GRAVELPIT/AIRPORT/LANDFILL AGREEMENT WITH FREMONT COUNTY:** Mayor Beck reported that the County has had second thoughts about the 100 feet that was given to the airport. The Mayor will set up a meeting with Neil Shupe and the Fair Board Chairman to see what they can work out. He reported that once that is decided they will amend the agreement. He stated the County has agreed to split the cost of the gravel pit survey with the City. Discussion followed.

**NUISANCE ORDINANCE REVIEW:** City Attorney Penny Stanford reported to the Council that the State nuisance code is very general, anything that is offensive to the senses. The County nuisance code is aimed at solid waste and is very specific.

It was stated that were we to adopt the nuisance code we would need someone to work as an enforcement officer for a couple of hours each day. Police Chief Fullmer stated that they could not expect the Animal Control officer to do both animal control and nuisance enforcement with 19 hours a week. Discussion followed.

**PSI GARBAGE PROPOSAL:** Mayor Beck advised the Council that they needed to decide whether to go to a private collector for sanitation. Councilmember Rose gave an update to the Council stating that City Clerk-Treasurer Taci Stoddard had contacted a few cities that used PSI and she did not receive any negative feedback about them. Mayor Beck reported that whichever company we choose there would be a good, strong binding contract. Discussion followed.

Councilmember Rose made a motion to privatize sanitation. Councilmember Merrill seconded it. Councilmembers Butterfield, Fransen and Koon voted against privatizing sanitation and Councilmembers Rose, Merrill, and Edlefsen voted in favor of the motion. Discussion followed. Mayor Beck voted in favor of privatizing sanitation. Councilmember Rose moved to shoot for a target start date of January 1<sup>st</sup>, 2006. Councilmember Merrill seconded it. Unanimous Approval.

Mayor Beck asked for an executive session to discuss the sanitation contract. Councilmember Edlefsen made a motion to adjourn to executive session. All voted yes by voice vote. Council held executive session. The PSI sanitation contract was discussed. No decisions were made. Council returned to regular session.

Council decided on a \$1,000,000 bond and to send a letter to the three people who are interested. It would be a one day pickup with 90 gallon cans. They would do it through an R.F.P. instead of a live bid.

**RESOLUTION – POLICE DUTY WEAPON:** Mayor Beck read through the resolution that would allow officers to keep their duty weapons upon retirement. Councilmember Merrill made a motion to pass the resolution. Councilmember Edlefsen seconded it. Unanimous Approval.

**MAYOR SALARY ORDINANCE:** Councilmember Edlefsen made a motion to reintroduce the topic of a salary increase for the Mayor. Councilmember Merrill seconded it.

Councilmember Fransen being the only one opposed, it was reintroduced.

Mayor Beck explained that the proposal was to increase the Mayor's salary from \$400.00 to \$800.00 due to the time required to perform Mayoral duties. The Mayor reported that he spends an average of 20 hours a week taking care of things that are required of him as Mayor. Discussion followed.

Mayor Beck read through the ordinance. Councilmember Merrill made a motion to suspend the rules and read it a second and third time. Councilmember Edlefsen seconded it. Councilmember Fransen being the only one opposed, the rules were suspended and the ordinance was read a second and third time.

Councilmember Merrill made a motion to increase the Mayor's salary from \$400.00 to \$800.00. Councilmember Edlefsen seconded it. Councilmember Fransen being the only one opposed, the motion passed.

**USDA LOAN RESOLUTION:** Mayor Beck reported that USDA is buying \$2,000,000 in bond money for our sewer project, which needs to be passed. It's a standard document that they have to have. Mayor Beck read through the resolution. Councilmember Merrill made a motion to accept the resolution. Councilmember Koon seconded it. Unanimous Approval.

## **MAYOR & COUNCIL REPORTS**

### **COUNCILMEMBER KOON**

Koon reported to the Council that she had received her first report from Airport Manager Sam Buckley. There is an airport board meeting scheduled for August 3<sup>rd</sup> at 4:00 p.m. at the City office. She reported on the progress being made with the street project.

### **COUNCILMEMBER FRANSEN**

Fransen reported that the Parks and Recreation Committee had a meeting with an Arborist.

### **POLICE DEPARTMENT REPORT**

Chief Fullmer reported that he would like to thank his officers for doing such a good job at the parade.

There being no further business to discuss the meeting was adjourned at 10:15 p.m.

Attest:

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Bill Beck, Mayor

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Taci Stoddard, City Clerk-Treasurer