

**COUNCIL MEETING MINUTES – NOVEMBER 9, 2005**  
**CITY OF ST. ANTHONY**  
**420 NORTH BRIDGE, ST. ANTHONY, IDAHO**

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

**ALSO PRESENT:** City Attorney Penny Stanford, Supt. of Public Works Woody Andersen, City Clerk-Treasurer Taci Stoddard, St. Anthony Planning and Zoning member Jared Wight, concerned citizens, and newsmedia.

**2005 ELECTION VOTE CANVASS:** The City Clerk read the official election return and results. A motion to approve the results made by Edlefsen, 2<sup>nd</sup>, all in favor.

**PLANNING & ZONING REVIEW OF PERMIT APPROVAL IN R2 ZONE:** Jared Wight, a member of the City's Planning and Zoning Commission addressed the council about a requirement in the City code (17.20.17 sec. F) for the commission to review plans for any new retail buildings proposed in that zone. It was something the commission was not aware of before, and he questioned whether it had been being done and why is this requirement not in any of the other zones. He conveyed concerns of the Planning Commission about having nice commercial buildings and landscaping being built in town. He understands the current review process for building permits, but doesn't feel there are no real design requirements currently as far as aesthetics or whether the building fits in with the others around it. He would like the council to consider some way to look at design review for all new commercial buildings and not just in the R2 zone.

The City Attorney again expressed to the council the need to review and rewrite the zoning ordinances. She stated that it is a political decision to require a design review and when making a judgment as to design it is a matter of personal taste. If the city chose to make architectural requirements they should be made vague and general so that they are not too strict. Her experience of having to go through that level of review adds time to getting approval of building permits. She cautioned that if they considered getting into design control to make it simple, and then discussed potential liability with architectural controls. The Mayor commented that he would like to see the Commission come up with some standards they would like to see for commercial zones and R2 zones. Councilmember Butterfield stated he remembered when he worked on the Commission it had come up, and the member at that time had decided to leave alone because it would help keep commercial building from going to far overboard in the residential areas. The Mayor suggested determining some vague guidelines and then put in the in the C1 zone as well as R2. The Mayor asked Wight to take this information back to the Commission for coming up with some recommendations that possibly could be for C1 too.

**HENDERSEN VARIANCE APPROVAL:** Councilmember Edlefsen reviewed information from the Planning and Zoning Commission regarding the Hendersen Variance. A variance was requested because they wish to split the property, but they don't have the required amount of frontage feet. Planning and Zoning held a public hearing and made a recommendation not to approve the variance. Hendersen's need to split the property so that Mrs. Hendersen's children

could be close to help her. The single wide trailer was moved in temporarily until the variance was granted and has not been placed on a foundation and they are trying to clean the property up.

Councilmember Edlefsen stated she feels for the property owners, but feels the recommendation of the Commission shouldn't be gone against, and that they don't meet the variance criteria and seems to be more a matter of convenience. Stanford brought up that other places sometimes have a mother-in-law clause in their zoning ordinances allowing temporary structures to be placed during a period of need and then removed when that period was over. She stated that was an option the Council could enact, but they don't currently have. Councilmember Koon stated concerns about fire hazards. Councilmember Rose stated that issues like this get personal and that is why there are zoning ordinances. He feels the decision is tough because he understands their plight, but feels that's why the City has a commission to study the facts and go by what they say. He understands why they need variance, but that's why the commission does the work and makes recommendations. A motion to accept the recommendation of the Planning and Zoning Commission and deny the variance made by Edlefsen, 2nd, Rose, Butterfield, Edlefsen in favor or denying the variance, Fransen and Koon opposed.

The Council then discussed how much time should be allowed for them to remove the home. Hendersen stated they have a lot of things stored in the home, no money to move it, and no location to move it to. Fransen commented that winter was coming and it would be hard to move. Mayor Beck stated that the city would probably have to pay to have it removed. Butterfield commented about how they would actually have to pay more money to get it set up with concrete foundation and water and sewer hook-ups than they even paid for the home. Sid Bristol, Mrs. Hendersen's son, stated he had applied for assistance to help them with getting the home set up. The Council discussed with Hendersen and Bristol costs of water and sewer hookup and the possibility of a conditional variance upon fulfilling certain requirements. Mayor Beck suggested giving Bristol 30 days to come up with a plan to show they could have the money available to complete the items discussed before the City would enforce denial of the variance. They would have to present their plan to the council and then the council could look at it again. The Mayor informed him there was no guarantee, but the council could look at it. Bristol and Hendersen's will have until the December 14<sup>th</sup> meeting to present the council with their plan.

**HOMETOWN HERO'S MONTH PROCLAMATION:** Mayor Beck read a proclamation and announced that November was Hometown Hero's Month in celebration of the Idaho National Guard 116<sup>th</sup> Infantry Brigade return from Iraq.

**SCOUTING FOR FOOD PROCLAMATION:** Mayor Beck read a proclamation and announced November 12<sup>th</sup> through the 19<sup>th</sup> as Scouting for Food week in the City of St. Anthony.

**RESOLUTION FOR BOND ANTICIPATION NOTE:** Mayor Beck presented a resolution to be approved by the council for issuance of a bond anticipation note from Wells Fargo Finance for interim financing for Phase II of the Wastewater project. A motion to read by title only made by Merrill, 2<sup>nd</sup>, all in favor. Mayor read by title and a motion to approve was made by Edlefsen, 2<sup>nd</sup>, all in favor, motion carried.

**2<sup>ND</sup> NOVEMBER & DECEMBER MEETINGS:** Due to Thanksgiving and Christmas holidays a motion to cancel the 2<sup>nd</sup> meetings scheduled for November and December was made by Merrill, 2<sup>nd</sup>, all in favor, motion carried.

**ORDINANCE FOR SPECIAL USE PERMIT FOR TEMPORARY PARKING:** The ordinance was discussed by the council. Fransen suggested the need to have more people than just the Chief of Police that can approve an application just in case the Chief is not available. Changes were made to say "St. Anthony Police Department" in the appropriate sections. Councilmember Butterfield introduced the ordinance and read it for a 1<sup>st</sup> reading with the changes. A motion to pass made on the 1<sup>st</sup> reading made by Merrill, 2<sup>nd</sup>, all in favor, motion carried. Motion to suspend the rules and read by title only for the 2<sup>nd</sup> and 3<sup>rd</sup> readings made by Edlefsen, 2<sup>nd</sup>, all in favor. 2<sup>nd</sup> and 3<sup>rd</sup> readings were done and a motion to adopt the ordinance was made by Butterfield, 2<sup>nd</sup>, all others in favor, motion carried.

**JAKE BRAKE ORDINANCE:** A motion to read 1st reading by title only made by Merrill, 2<sup>nd</sup>, all in favor. Edlefsen read by title only for 1st reading. Fransen commented that the ordinance would be tough to enforce unless officers were able to catch an offender. City Attorney Stanford stated it is a preventative ordinance rather than done to actually catch someone. It was discussed that most truck operators would be respectful of the ordinance and that signs would need to be put up. Motion to pass on 1<sup>st</sup> reading made by Edlefsen, 2<sup>nd</sup>, all in favor. Motion to suspend the rules and read by title only for 2<sup>nd</sup> and 3<sup>rd</sup> readings made by Merrill, 2<sup>nd</sup>, all in favor. Edlefsen read 2<sup>nd</sup> and 3<sup>rd</sup> readings by title. Motion to adopt made by Merrill, 2<sup>nd</sup>, Fransen opposed, all others in favor, motion carried by majority. Supt. Andersen was directed to place signs.

**MINUTES:** Minutes from the October 26<sup>th</sup> meeting were presented for council approval. No changes were noted. A motion to approve made by Merrill, 2<sup>nd</sup>, all in favor, motion carried.

**BILLS:** Bills were presented for council approval. The City Clerk presented the council with additional bills not included in their packet. A motion to pay with additional bills made by Merrill, 2<sup>nd</sup>, all in favor, motion carried.

## **MAYOR & COUNCIL REPORTS DEPARTMENT REPORTS**

### ***MAYOR BECK***

Mayor Beck reported on the recent walk through on Phase I of the Wastewater project. Phase II progressing and is 20-25% complete at this point. There were some problems with some pipe bursting behind the Roxy Theater. The contractor will likely shut down sometime just before Christmas for 90 days as long as weather stays good until then. There have been very little change orders so far.

### ***COUNCILMEMBER KOON***

Koon announced there would be a Greenway meeting on December 6<sup>th</sup> at 7:00 p.m. There will be some discussion about the railroad right of way now that Crapo's have bought out Tibbitt's and the tracks will not be in use. The Mayor encouraged councilmember Fransen to attend.

Mayor Beck feels there is a need to be more involved as a community and council with the Greenway.

***COUNCILMEMBER MERRILL:***

Merrill commented the Water Study would be presented soon; most likely after the 1<sup>st</sup> of the year.

**EXECUTIVE SESSION:** A motion adjourn to executive session to discuss property issues made by Merrill, 2<sup>nd</sup>, all in favor by voice vote. Property issues were discussed. No decisions were made. Council returned to regular session.

**LOOMIS ALLEY EASEMENT PURCHASE:** The council discussed the purchase of an alley easement owned by David and Becky Loomis. The alley had been deeded to a property owner years ago; however, there is a critical sewer line in the property. Councilmember Fransen made a motion to offer to purchase the whole property for \$2,000 or condemn it if refused, motion died for lack of 2<sup>nd</sup>. Butterfield made a motion to offer \$1,000 for an easement and if refused go to condemnation, 2<sup>nd</sup>, all in favor, motion carried. The City Attorney will draft a letter for the final offer.

There being no further business to come before the council the meeting was adjourned at 9:45 p.m.

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Willard D. Beck, Mayor

Attest:

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Taci Stoddard, City Clerk-Treasurer