

**COUNCIL MEETING MINUTES – MARCH 14, 2007**  
**CITY OF ST. ANTHONY**  
**420 NORTH BRIDGE, ST. ANTHONY, IDAHO**

**PRESENT:** Mayor Bill Beck, Councilmembers Garth Rose, Shawn Fransen, Darby Merrill, Cathy Koon, Matt Blanchard, and Dee Rausch.

**ALSO PRESENT:** Supt. of Public Works Woody Andersen, City Attorney Bill Forsberg, Police Chief Jim Smith, Chamber President Sherri Thomas, local business owners and managers, Neil Shupe – Shupe Flying Service, City of Parker Councilmember Dana Wade, concerned citizens, and newsmedia.

**ORDINANCES AMENDING BEER & LIQUOR DAYS/HOURS OF SALE:** Mayor Beck spoke to those present and explained that all the areas around St. Anthony (Fremont County, the City of Ashton, and the City of Island Park) currently allow Sunday beer and liquor by the drink sales, and this is impacting businesses in the City because Sunday sales aren't allowed. He asked for comments from Councilmembers. Rose had Deputy Treasurer Heather Parker call other surrounding communities to see what their laws were and informed the Council that Rigby and Shelley do not allow Sunday beer or liquor sales. Ririe, Blackfoot and Salmon allow beer sales only. Councilmember Blanchard stated the City of Idaho Falls allows Sunday sales from 10 a.m. to 10 p.m.

Councilmember Merrill stated ordinances vary from city to city on these types of issues and suggested putting it to an advisory vote as the City is fortunate to have an election this year. She feels the Council should not be in a hurry to make a decision and should have a public hearing. She commented she had talked to about 30 people, getting an even split on whether they supported amending the ordinance or not. Blanchard stated the people he had talked to had not had concerns about the beer sales, but were hesitant about liquor by the drink sales on Sunday. Fransen commented that being raised in an alcoholic family he doesn't remember any comments about the bars needing to be open on Sunday, but he also understands the need to be open on Sundays and have that right. Councilmember Rausch stated she feels it is discrimination to not allow the Sundays sales for the businesses, and that the business should stay here in town. Dave Loomis stated the businesses should have the option of being open and selling on Sunday even if they choose not to. He feels that the City has been trying to promote economic development for years, and that there are problems drawing business into town. He feels the businesses should have the opportunity to be open or not.

Councilmember Merrill asked if there were any research on what kind of increase it would bring in sales. Mayor Beck stated that would difficult to determine. Rose commented when he owned one of the local convenience stores he averaged \$300-\$400 a week. Tom Atchley reported he has a minimum of \$1,000 in gross beer sales. Councilmember Fransen commented he didn't feel it was discriminating. Those stores selling beer could be open if the beer sales ordinance were passed. He feels the City needs to be careful in opening up everything, and that maybe the Council needs to look at doing things slowly. Councilmember Rausch asked Chief Smith if he thought it would

have an impact on crime. The Chief stated it would be hard to quantify, and doesn't know if there would be an impact, as people will drink if they plan to anyway. Mayor Beck stated that Ashton is a good example of what the City is considering. Ashton has changed their ordinance within the last two years. Their Mayor reports no noticed difference in what happens in town; no changes in lifestyle. Chamber President Sherri Thomas asked the Council to look at it as a matter of choice, and why tell some of the businesses they can or can't be open. Let it be a choice, let the business determine if it is even profitable for them to be open on Sunday. She suggested making a motion tonight to give the community the choice, and if the community doesn't support it they won't go have a drink on Sunday. Betty Stevens, a local business owner, stated the issue is not just about beer and liquor sales, it is about freedom of choice, and she feels current ordinances are discriminating.

Mayor Beck stated he feels it is important that people are able to make a choice, and that respect is gained by allowing people to have a choice. He also feels businesses in town need to be able to maximize their businesses and their investment, and that decisions need to be made in an unemotional way based on facts. He suggested the Council could change the ordinance back down the road if it wasn't working out, or put in a sunset clause. Hank Ashby, city resident, addressed the Council and asked if they would prevent someone from selling a gallon of milk. He further stated that in talking about an advisory vote, most voters are conservative, and the vote would end up being not to allow the sales on Sunday, but that wouldn't make it right. Loomis commented that the Council is charged with making decisions, and feels they should make the decision. Fransen feels an advisory vote would not really tell the Council anything, and it would be one-sided like the curfew. Merrill stated she is not necessarily opposed at this time, but would like more time to review the ordinances.

Councilmember Wade from the City of Parker asked the City to consider issues with bringing in crowds from the sand dunes into St. Anthony and how that would affect the City of Parker as those people would drive through their town. They are concerned about traffic, speeding and other violations. He is all for business growing, but they would like to be a resource.

The Council reviewed the proposed ordinances. A motion to suspend the rules and read the ordinance amending beer sales by title only for the 1<sup>st</sup> reading made by Loomis, 2<sup>nd</sup>, all in favor. Loomis read 1<sup>st</sup> reading. A motion to pass on the 1<sup>st</sup> reading made by Rausch, 2<sup>nd</sup>, all in favor, motion carried. Motion to suspend the rules and read the ordinance by title only for a 2<sup>nd</sup> and 3<sup>rd</sup> reading made by Loomis, all in favor. Loomis read 2<sup>nd</sup> and 3<sup>rd</sup> readings. A motion to pass on the 2<sup>nd</sup> and 3<sup>rd</sup> readings made by Fransen, all in favor by roll call vote. Ordinance passes and will be published and effective in 30 days.

A motion to suspend the rules and read the liquor by the drink ordinance by title only for the 1<sup>st</sup> reading made by Loomis, 2<sup>nd</sup>, Fransen opposed, all others in favor, motion carried by majority. Loomis read for 1<sup>st</sup> reading. A motion to pass on the 1<sup>st</sup> reading made by Loomis, 2<sup>nd</sup>, Blanchard, Merrill, Fransen voted against. Loomis, Rose and Rausch voted

for the ordinance. Mayor Beck breaks the tie with a vote in favor of passing the ordinance. A motion to read the 2<sup>nd</sup> and 3<sup>rd</sup> readings by title only made by Loomis. Loomis read 2<sup>nd</sup> and 3<sup>rd</sup> readings. A motion to pass made by Loomis, 2<sup>nd</sup>, Blanchard, Merrill and Fransen against, and Loomis, Rose, and Rausch in favor. Mayor Beck votes in favor, ordinances passes and will be effective 30 days from it's publication.

**IMPACT AREA EXPANSION:** Mayor Beck announced that the Planning and Zoning recommends the City begin negotiations with County Commissioners to look at expansion of the Area of City Impact. There has been a proposal to expand the Area of Impact further to the South to include some proposed development. The Mayor explained the process involved to the Council, and asked the City Attorney to go with him when he meets with the County Commissioners about what the impact area should look like. If an agreement is reached with the Commissioners it will then be referred back to Planning and Zoning of both the City and County for review and public hearings or a joint public hearing. The Planning and Zoning commissions would then submit their findings and recommendations to the governing boards. In the event an agreement can't be reached with the County Commissioners, another step would be to form committee of 9 to work out what the impact area should look like. The Mayor needs Council permission tonight to begin negotiations. A motion to give permission for the Mayor to negotiate made by Rose, 2<sup>nd</sup>, all in favor, motion carried.

**NEIL SHUPE AIRPORT LEASE:** Shupe explained the Council approved a lease about a year ago, but he is now looking to expand his business and his lender is requiring a longer term lease. The Bank will accommodate him better with a 50 year lease. A motion to pass the lease with rent increases based on rates set by the airport boards made by Merrill, 2<sup>nd</sup>, all in favor, motion carried.

**PARKING RESOLUTION – LOADING ZONE ON EAST 1<sup>ST</sup> NORTH:** A parking resolution allowing two restricted parking areas marked as “loading only” has been proposed. The Public Safety Committee has met to review the resolution and is not in favor of the resolution, and feels other options are available to business owners.

**PARKING RESOLUTION – ELIMINATION OF RESTRICTED PARKING AREA ON A PORTION OF EAST 1<sup>ST</sup> NORTH:** The resolution eliminating the East half of E 1<sup>st</sup> North for ½ block has been recommended by the Public Safety Committee. Business owners indicated that would alleviate some of their concerns with the two-hour parking restricted on that portion of the street, as it is not heavily used. A motion to pass the resolution made by Merrill, 2<sup>nd</sup>, all in favor, motion carried.

Councilmember Fransen stated the Public Safety Committee needs to look at the parking ordinance again with regards to the parking lots between stores and whether hours need to be set. The Mayor indicated the committee would discuss the issues, as well as the suggestion of using parking meters in the City.

**ARBOR DAY PROCOMATION:** Councilmember Merrill read a proclamation announcing Arbor Day in the City as April 27<sup>th</sup>.

**MINUTES:** Minutes were presented from the February 14<sup>th</sup> and February 28<sup>th</sup> Council Meetings. Changes were noted. A motion to approve as amended made by Rose, 2<sup>nd</sup>, all in favor, motion carried.

**BILLS:** Bills were presented for Council approval. After discussion and questions a motion to pay was made by Merrill, 2<sup>nd</sup>, all in favor, motion carried.

**ATV PARADE ROUTE:** Councilmember Loomis discussed with the Council the proposed closure of streets for the ATV parade on June 16<sup>th</sup>. Loomis outlined the streets affected in the City. He has received permission from Fremont County for use of their roads for the parade. A motion to approve the route made by Rose, 2<sup>nd</sup>, Loomis abstained, all others in favor, motion carried.

**DOG TAGS & RABIES:** Councilmember Loomis discussed with the Council that they should consider only issuing dog tags to owners showing their dogs have had rabies shots. The issues had been brought up to Loomis by the local veterinary clinic. Loomis suggests doing an amendment to the City's ordinance regarding dog tags.

**CITY VEHICLES:** Councilmember Loomis reported getting complaints about non-city employees in city vehicles, and city vehicles being outside city limits. He also feels patrol officers, and the City Superintendent should be the only ones to take city vehicles home. It stated it would be wise with gas prices. He also commented that all the patrol vehicles should have numbers on the cars for identification. Mayor Beck disagreed with Loomis and stated employees have legitimate reasons to have family in their vehicles at times, and that additional city employees are also on call. He informed the Council that those taking a vehicle home are taxed for that benefit. Discussion continued. Chief Smith indicated he had gotten bids on marking the cars, and that should be completed in the next few weeks. Council agreed the city vehicle policy should be reviewed.

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

### ***MAYOR BECK***

The Mayor announced the City had received its sign grant funds from ITD to begin replacement of street and traffic safety signs. He reported on the recent IRWA training, and that the City needs to check with ICRMP to see if it is covered by the liability insurance when there is no ordinance in place governing cross-connections on the water system.

### ***COUNCILMEMBER MERRILL***

Merrill reported the Public Works committee will be looking at upcoming repairs and updates to the water system.

***COUNCILMEMBER ROSE***

Rose commented on old batteries stored at the airport and if Sam Buckley were going to move those. A letter needs to be written to Buckley. Supt. Andersen reported a letter had been sent to Danny Hunter on another cleanup issue at the airport.

***COUNCILMEMBER LOOMIS***

Loomis discussed the fire department fuel bill. The fire district commissioners have met, and will now start billing the city for their portion of the fuel. He mentioned some issues with non-working fire hydrants, and wondering if some of them could be fixed for use. Supt. Andersen explained those would be changed out as the City crew has time, and is just an issue of maintenance.

Loomis also mentioned some concerns involving some of the police officers wages, but the Mayor and City Attorney advised personnel issues involving individuals cannot be discussed in open meeting.

***COUNCILMEMBER BLANCHARD***

Blanchard reported that Upper Valley Youth is getting ready for baseball season again. The group has discussed approaching Fremont County for funds for some improvements. They would like to put some cement in the dugouts, put up some higher fences for safety, and move some of the bleachers. Blanchard will go to the Parks and Recreation Committee to work on getting a recommendation from them. The pitching mounds also need some material, and Andersen indicated the City should be able to haul it in. They are also looking at getting sponsors this year and putting banners on the home run fences, as well as a possible tournament.

***SUPT. ANDERSEN***

Andersen thanked the Council from himself and the employees for being allowed to attend trainings which helps make them better operators.

***CHIEF SMITH***

Chief Smith reported he was still working on nuisance yards and code compliances. He stated there seems to be more interest in the community in people reports nuisance yards in their neighborhoods.

**EXECUTIVE SESSION – PERSONNEL ISSUES REGARDING SUPT.**

**ANDERSEN’S RETIREMENT:** A motion to adjourn to executive session to discuss personnel issues arising from Supt. Andersen’s retirement made by Merrill, 2<sup>nd</sup>, all in favor by roll call vote.

Executive session was held. No decisions were made. Council returned to regular session. Mayor Beck suggested getting a job description together and advertising for the Superintendent position with the objective of hiring by May 15<sup>th</sup> to give the new Superintendent some time with Andersen before he retires. He also proposed having a scoring system for the council to reduce the candidates, and devise some mechanism with advice by the City Attorney with how to conduct the interviews. The Mayor would Supt.

Andersen to be involved with the interview process. He would like to narrow it to three individuals, and then he will conduct a final interview. The best person that applies will be selected. Points will be given to those working for the City. A motion to proceed was made by Blanchard, 2<sup>nd</sup>, all in favor, motion carried.

There being no further business to come before the Council the meeting was adjourned at 10:05 p.m.

Attest:

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Willard D. Beck, Mayor

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Taci Stoddard, City Clerk-Treasurer