

**COUNCIL MEETING MINUTES
ST. ANTHONY CITY COUNCIL MEETING – JANUARY 9, 2008
CITY OF ST. ANTHONY, IDAHO
420 NORTH BRIDGE, ST. ANTHONY, IDAHO**

PRESENTS: Mayor Bill Beck and Councilmembers Dee Rausch, Matt Blanchard, David Loomis, and Shawn Fransen. Councilmember Garth Rose arrived later in the meeting (7:30 p.m.), and Councilmember Darby Merrill was excused.

ALSO PRESENT: Councilmembers-Elect Woody Andersen, Bryan Fullmer, Elva Powell and Bryan Stoddard, City Clerk-Treasurer Taci Stoddard, City Attorney Bill Forsberg, Police Chief Jim Smith, Public Works Supt. Scott Butigan, family of new councilmembers, Edge Wireless representatives, concerned citizens and news media.

PRESENTATION TO OUTGOING COUNCILMEMBERS: Mayor Beck presented outgoing Councilmembers Matt Blanchard, David Loomis and Shawn Fransen with plaques with the Mayor expressing the City's appreciation for their years of service on the City Council.

MINUTES: Minutes were presented from the December 12, 2007, council meeting. No changes were noted, a motion to approve was made by Fransen, 2nd, all in favor, motion carried.

BILLS: Bills were presented for review and Council approval. After questions were answered a motion to pay the bills was made by Blanchard, 2nd, all in favor, motion carried.

OATH OF OFFICE - NEW COUNCILMEMBERS: Mayor Beck administered the Oath of Office to new Councilmembers Elva Powell, Bryan Stoddard, Bryan Fullmer, and Woody Andersen. Each Councilmember was presented with a Certificate of Election and signed their Oath of Office.

Council took a brief recess.

ELECTION OF COUNCIL PRESIDENT: Councilmember Fuller nominated Garth Rose, the nomination received a 2nd. Fullmer moved that all nominates ceased, 2nd, all in favor. All voted in favor of Rose as Council President.

CELL PHONE TOWER LEASE & SPECIAL USE PERMIT: Frank O'Leary of Edge Wireless, presented a proposal for a cell phone tower to the City Council. He explained that his company is continuing to build out their network, and have some needs they need to address on this side of St. Anthony. They currently have a site on the other side of the freeway, but another side is needed on the north side to get better service in the area as well as at the High School. It has become more important to have good alternative communication at the schools. They have inventoried possible sites, and feel

a location behind City Hall on City property is the best site. He discussed technical issues about deterioration of signal and “clutter” that affects signal.

They are proposing to erect a structure in the lawn area behind City Hall, up to two hundred feet high. It may not be that high, as there are set back issues that need to be addressed before the height can be determined. Edge would provide a platform on the tower for the City’s wireless equipment at no charge, and would pay a rent amount to the City for rental of the tower property. It would be a five year lease with five – five year renewal options. They explained they are aware they will need to go through Planning and Zoning for a Special Use Permit as the possible height of the tower is more than allowed by City Code. O’Leary proposed an option lease agreement which wouldn’t begin the lease until construction. The Mayor also explained the possibility of using the tower at some point in the future for a repeater to improve emergency radio communication. The City’s current tower at City Hall would be taken down.

Mayor Beck explained the City Code regarding towers and the overlay zones. Councilmember discussed aesthetics of tower versus service, and what would determine the height of the tower. The area to be leased would be fifty feet by fifty feet, fenced with restricted access. The primary motivation as explained by the Edge representatives was a need at the High School for better service, and they stated they had been contacted by the school. The City Attorney explained that the Council would still have to consider Planning and Zoning recommendation on the Special Use Permit, and he would feel more comfortable if that was done prior to the Council agreeing to the lease. Forsberg explained it gives the appearance of the landlord also being the approval authority. O’Leary stated they have had numerous leases with cities and counties who would all be in the same position, but have never had a problem signing the lease prior to approval. O’Leary asked if he could confer privately with the City Attorney. They were excused, and upon their return later in the meeting Forsberg explained that some legitimate concerns were raised by Mr. O’Leary.

They understand the City may be uncomfortable, but they typically have the lease in hand prior to any permits. O’Leary indicated that if the Council were to appoint a committee and negotiate the lease at the same time the Planning and Zoning process is going forward, then a lease could be ready at the same time as the recommendation would come from Planning and Zoning. Forsberg agreed that would process would be acceptable. A motion to move in the direction recommended by legal counsel made by Andersen, 2nd, all in favor, motion carried. Mayor Beck appointed Councilmember Rausch, Rose, and himself to sit on the lease committee. A meeting was schedule for 9:00 a.m. the next morning with Mr. O’Leary and others. The City Clerk was instructed to turn over the Planning and Zoning the special use permit for them to begin that process.

SPEED LIMIT CHANGES: The Council discussed a general speed limit change for the City that would change everything 25 miles per hour unless otherwise posted. It would make the limit more uniform throughout town. Councilmember Fullmer pointed out that the City code requires traffic studies to be done prior to changing speed limits, so either the study needs to be done or the code needs to be changed. Chief Smith presented

information about lowered speed limits don't always increase safety because it doesn't change people's behavior and "breeds contempt for the law." It also increases the burden of enforcement. Councilmembers commented they did not see a need for any change, and a motion was made to table the issue unless information is presented by a traffic study that shows it needs to be changed made by Fullmer, 2nd, all in favor, motion carried.

ZONE CHANGE – EAST 5TH NORTH: Mayor Beck explained that the area was zoned C-1, but most of the area is residential, and the zoning may need to be changed to protect that residential area. The Council needs to refer the matter to the Planning and Zoning Committee to consider a zone change. A motion was made by Fullmer to refer the issue to Planning and Zoning, 2nd, Councilmember Stoddard abstained as his home is located in the affected area, all others in favor, motion carried.

RADIO ROAD ANNEXATION ORDINANCE: The Council was presented with an Annexation ordinance to approve and a recommendation from the Planning and Zoning Committee that the area be zoned R1. There were no objections at the Planning and Zoning hearing, and one who spoke in favor of the annexation. The property is being annexed as a Category A, by implied consent, as the property is all services by City utilities.

A motion to suspend the rules and read the ordinance by title only for the 1st reading made by Fullmer, 2nd, all in favor. Andersen read 1st reading by title only. A motion to pass on the 1st reading made by Rose, 2nd, all in favor. A motion to suspend the rules and read by title only for 2nd and 3rd reading made by Rose, 2nd, Andersen opposed, all others in favor, motion carried. Andersen read 2nd and 3rd readings. A motion to pass made by Fullmer, 2nd, roll call vote as follows: Stoddard – yes, Fullmer – yes, Rose – yes, Andersen – no, Rausch – yes, Powell – yes. Ordinance is adopted and will be effective upon publication. Andersen explained he had voted against passing the ordinance as it wasn't a rush to pass it that night and it would leave time open for any public comment if the 2nd and 3rd readings were held at another meeting.

TETON HIGHWAY ANNEXATION: The Mayor explained that many individuals along the road near the City limits are on city utilities. The Mayor and Council discussed the need to protect the city's borders. The Mayor recommended having engineers provide a legal description and to refer the matter to Planning and Zoning for consideration and hearings.

PARKING FINES: Chief Smith discussed with the Council the need to address how fines are handles by City Code. They currently have to go by infraction rules in the state code. Currently the parking fines are \$10.50, and go up to \$52.00 if it is not paid. The current practice of the police department is to double the fine if they don't pay on the tickets within two weeks, and then send to the court after one month. This is not outlined in the City ordinance, however. The ordinance needs to be changed, or practices need to be modified. Mayor Beck suggested working with the City Attorney and presented an

ordinance for the Council to consider. Discussion followed about need to go through City ordinances, as there are many that need to be looked at.

GAS CARDS: Mayor Beck asked the new Council for a decision on gas card by the City departments. Past Council's had instructed the departments to buy fuel in the City by locally owned stations. They felt Maverick's money went out of town, while the other stations were locally owned and supported. Councilmember Fullmer suggested getting proposals from each of the business on providing fuel, and then make a decision. Council discussed whether it should continue as past Council's have instructed, or if anything should change. Rose made a motion to stay with what the previous Councils had decided, 2nd, Fullmer opposed, all other in favor, motion carries. Departments are instructed to purchase fuel at approved stations. Fullmer explained he felt the City should still try and get the best price they could.

MAYOR SIGNATURE STAMP: The Mayor and City Clerk explained that Councils have never approved the use of the signature stamp for check and documents, but that they felt it needed to be done. The stamp is used if they Mayor is not available, and with his permission. A motion to authorize the stamp to be used at appropriate times made by Fullmer, 2nd, all in favor, motion carried. Stoddard stated that the limitations on the use of the stamp be made clear. Stoddard made a motion that the stamp be used by prior express consent of the Mayor, 2nd, all in favor. Andersen suggested a log be kept when the stamp is used for the protection of the office staff.

MAYOR'S COMMITTEE ORDINANCE: The Mayor discussed with the Council that the current code requiring the Mayor to appoint committee doesn't work well for Councilmembers and that it was cumbersome. The code needs to be amended, although there will still need to be a finance committee and a personnel committee. Councilmember roles and responsibilities were discussed. The Mayor appointed Councilmembers Rose, Rausch and Powell to the financial committee.

RECURRING MONTHLY BILL LIST: The Mayor and City Clerk presented the Council with a list of bills they recur every month, and asked for approval to pay the bills listed weekly rather than waiting for approval at Council meeting. The list included payroll, utility bills, phone bills, another monthly operation bills. Concerns were expressed that the Department heads see and approve the bills, and Councilmember Fullmer made a motion to approval the list if the department head has authorized payment and it doesn't exceed the \$100 limit. Motion died for lack of a 2nd. Mayor Beck suggested the Council think about the list until the next meeting. A motion to approve paying wages and withholding until the next meeting made by Fullmer, 2nd, all in favor, motion carried.

2006 INTERNATIONAL BUILDING CODE ORDINANCE: As a housekeeping item, the City needs to adopt the 2006 International Building Code Ordinance, and the ordinance was presented to Councilmembers. A motion to suspend the rules and read the ordinance by title for a 1st reading made by Stoddard, 2nd, all in favor, motion carried. Stoddard read by title only the 1st reading. A motion to pass on 1st reading made by

Fullmer, 2nd, all in favor. A motion to suspend the rules and read by title only for a 2nd and 3rd readings made by Fullmer, 2nd, all in favor, motion carried. Stoddard read by title the 2nd and 3rd readings. A motion to approve was made by Powell, all in favor by roll call vote.

MAYOR REPORT – STATE OF THE CITY ADDRESS: Mayor Beck addressed issues he felt were important and that the Council needed to address. Included in these items were the condition of the City streets, water system needs including bigger lines for fire flows and being able to pump water between the North and South side systems, the roof of the City building, leasing vehicles such as new police cars, revision of the City’s comprehensive plan and development and zoning ordinances, and the City’s impact area expansion.

The Mayor reported on \$562,500 grant from congressional appropriations for the sewer project, and that the City will be asking for the other \$562,500 for the next year. He reported on the nice donations the City has received for the parks, and that the Parks and Rec Committee will be continuing its efforts for improvements.

Mayor Beck also reported on the upcoming retirement of Officer Don Powell, and thanked him for his many years of service to the community.

COUNCIL REPORTS DEPARTMENT REPORTS

COUNCILMEMBER STODDARD

Stoddard expressed appreciation for former council, and wished them well. He stated he is looking forward to working with the new council and hopefully get good things accomplished.

COUNCILMEMBER FULLMER

Fullmer stated he was looking forward to being a Councilmember.

COUNCILMEMBER ROSE

Rose welcomed those that were new councilmember, and comments there were lots of issues to be addressed.

COUNCILMEMBER ANDERSEN

Andersen also expressed appreciation for the prior council, and stated he is also looking forward to serving on the Council.

COUNCILMEMBER RAUSCH

Rausch welcomed the new Council. .

COUNCILMEMBER POWELL

Powell stated she was excited to be on the city council.

CHIEF JIM SMITH

Chief Smith reported the wireless system nearing completion. The new report writing system got approved with the County Commissioners, and should be up and running by end of month.

SUPT. SCOTT BUTIGAN

Butigan reported the new heater at the sand bar building would be installed the next day. He reported they had received an engine from Fremont County that would fix the dump truck that had broken down recently. It will cost around \$3,000 to get it up and running, and that would give the City three larger dump trucks.

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

Willard D. Beck, Mayor

Attest:

Taci Stoddard, City Clerk-Treasurer