

**COUNCIL MEETING MINUTES
ST. ANTHONY CITY COUNCIL
SPECIAL MEETING – JULY 16, 2008
CITY OF ST. ANTHONY, IDAHO
420 NORTH BRIDGE, ST. ANTHONY, IDAHO**

PRESENT: Mayor Bill Beck, Councilmembers Garth Rose, Dee Rausch, Bryan Stoddard, and Elva Powell. Councilmembers Woody Andersen and Bryan Fullmer were absent.

ALSO PRESENT: City Attorney Bill Forsberg, Supt. Scott Butigan, Police Chief Jim Smith, City Clerk-Treasurer Taci Stoddard, Chamber President Sherri Thomas, Pioneer Days Committee Chairman Jerry Edgington, other Pioneer Days Committee board members, concerned citizens, and news media.

FARMER’S MARKET ON PIONEER DAY: Mayor Beck explained the purposed of the meeting and asked that those present keep order and asked to be recognized in order to speak. He stated the issue at hand was a decision to allow the Farmer’s Market at the city building on Saturdays. He explained that no one thought about that for Pioneer Day on July 26th. Mayor Beck stated it has been a long standing tradition in the City of St. Anthony to allow no outside selling during the Pioneer Days parade and celebration. He explained that the Chamber called to ask about holding it that day, indicating they thought it may be a concern. Mayor Beck reported he had said no to not allow on the Market on that day due to parking and the tradition of Pioneer Days. The issue was brought to the Council to ask that the Farmer’s Market be allowed to set up after the Mayor had denied it. Mayor Beck explained as the executive officer of the city he is allowed to make those kinds of decisions.

Jerry Edgington, Chairman of the Pioneer Days Committee, addressed the Council and expressed his gratitude for the opportunity to speak with the Council and thanked the City for all their support in the past. He explained that the Pioneer Days Committee is an all volunteer organization, operating with a set of by-laws, with four directors. They are a non profit organization. He stated that some of the volunteers put in hundreds of hours each year in preparation for the celebration. The Committee depends on the volunteers for their support. Most of people that serve have been their at least three or four years. Their sources of income are through ticket sales, concession sales at the rodeo and parade, and the cooked food sale. Since he has been on the committee they have not let vendors not associated with the Pioneer Days Committee sell during the celebration. He has many calls each year from commercial vendors asking if they can sell things during the celebration and he has turned them away. He spoke of the rising costs to put on the rodeo, and other events that are held, and explained it is the Committee’s opinion that if vendors come in it lessens the Committee’s opportunities to raise the needed funds to put on the celebration. He stated he was not opposed to the other organization, and didn’t want to get into an argument. He also explained that the Committee takes their proceeds and if there is enough excess they give back to the community by donating funds to the

Fremont County Fair Board, the City of St. Anthony and Fremont County School District. They would like to continue as they have in the past.

Councilmember Rausch explained that she had not been at the last meeting and asked several questions for clarification. She indicated perhaps the Farmer's Market would enhance Pioneer Days and suggested a compromise. Edgington expressed his concerns about the celebration becoming commercialized and by opening it up for selling at the Farmer's Market it would open it up to everything. Lee Miller, another Pioneer Days board member explained that asking hundreds of people to volunteer their time to donate something to benefit the community and then letting private individuals make money off the event would be a disservice to the volunteers. He feels the celebration is fragile with efforts each year in getting enough volunteers, and if they saw others making money off the event it may cause them not to want to volunteer their time anymore. Miller doesn't want to see it become a commercial celebration.

City Attorney Bill Forsberg advised the Council to consider what the City has done at this point. The City has allowed the Pioneer Days Committee to be in charge that day and have free reign and authority. If the City comes in, then the City becomes involved, and by allowing Farmer's Markets or others to come in it is a fundamental change in the relationship the City has had in the past with the committee. Councilmember Rausch stated she wasn't aware of the agreement and relationship with the Pioneer Days Committee. Mayor Beck explained the agreement went back at least 30 years. Rausch questioned that if something is this important it should be in writing. Forsberg stated it didn't have to be. It is an agreement that is followed by a course of conduct. Rausch felt that the situation could have been avoided if anyone that knew about the agreement could have brought it up when they first gave permission for the market. Mayor Beck apologized for not thinking of that particular Saturday when the Farmer's Market first asked for permission. Councilmember Powell asked why the issue came before the Council if the agreement had already been in place why was the whole issue brought before the Council. Mayor Beck explained that President Sherri Thomas had asked to be on the Council agenda to discuss it. Councilmember Rose stated his concerns about wavering on the agreement and opening selling up to everyone. He felt the City wouldn't want that responsibility.

City Resident June Cox, who stated she lives near the fairgrounds, asked what about the purpose of Pioneer Days, and if it was to celebrate the community or a religion. Edgington explained it was to honor pioneers that had settled the community, as well as honoring people in the community today. He stated the LDS church was involved years ago in the celebration, but was not any longer. They have participation in the community from the LDS community as well as those not of the LDS faith. He stated it was a Pioneer Day group honoring those helping in the community. Questions were asked about how many non-members served on the board. Board member Craig Chandler responded that he wasn't sure how many, but that they were always trying to recruit volunteers of all faiths, as well as from the Hispanic community and would welcome help from all community members.

Questions arose concerning the difference between businesses in town being open and the Farmer's Market. Mayor Beck explained that those people are conducting their business their private property and the issue at hand involves public city property. Aronlee Gould asked if the market would find a place on private property they could be open. Beck stated he couldn't say what could happen on private property. She asked about her property here in the City, and attorney Forsberg stated any activity such as the market would have to be on a commercially zoned property and Gould's property is zoned residential.

Concerns came up about market vendors paying sales tax. Sherri Thomas clarified that some of the vendors did have tax numbers, and everyone has to do a sale tax form. She also stated that the Chamber regulations require vendors to be local residents selling local items. Another concern that arose was regarding the Chamber's liability insurance to cover the event. Thomas explained they did have general liability and were in the process of getting insurance for the Farmer's Market.

Fremont County Commissioner Paul Romrell asked to address the Council and reported that he had visited with fellow commissioner Don Trupp and Skip Hurt and that they are supporting the Farmer's Market and the Pioneer Days celebration. He explained that as for the day of July 26th the County will support the Pioneer Days, and no County employees will be involved on that day with the Farmer's Market. Commissioner Trupp is being honored this year as a grand marshal for the celebration.

Chamber President Sherri Thomas read a statement she had prepared to the Council. She thanked the Council for their support in the past and present. She explained that it had been explained to her by one member of the Pioneer Days Committee that it had been determined a couple of years ago that the Committee did not have the authority to stop any other vendor from setting up that day. She stated there were legal questions she didn't understand about the agreement between the City and Pioneer Days Committee. She supports Pioneer Days and feels the Farmer's Market would just enhance the celebration. She offered that the Pioneer Days Committee set up to make money at some of the Chamber events such as the demolition derby. Marv Hansen, another Pioneer Days Board member, stated it wasn't about raising money, but about opening up the selling to everyone and commercialization of the event. It is a community event; not a money making event. Thomas explained she felt if those selling were local people locally made goods that could be an exception. City Attorney Forsberg stated that the City does have the authority to limit the commercial use of public areas, and to designate public areas to be used in a fashion the City deems appropriate; it can restrict usage and has done. He was questioned about private property, and explained it was a different question when it came to private property.

Thomas continued her statement citing her concerns about unfair treatment by the Mayor of her, Fremont County Economic Development Director Cathy Koon, and the Chamber. She also voiced worries about the Mayor overruling a Council decision to allow the Farmer's Market on Saturdays without consulting the Council. She felt the Chamber had made the efforts to attend the meetings and explain their position, and that no one from

the Pioneer Days Committee had attended the prior meeting. She again invited the Committee to set up booths at other Chamber events. She will continue being a long time supporter of the Pioneer Days committee now and in the future, and stated she would like to see both entities be able to work together and support each other now and in the years to come. She explained she just wanted the decision made in good faith and that she wanted to be sure it was the Council's decision to not allow the market on that day.

Discussion followed about the Chamber's current lack of liability insurance for the event. Councilmember Stoddard stated he agreed with concerns about the insurance, but that it went deeper than that, and he stated his concern with opening up to commercial vendors selling on that day. He stated the Council needs to set a precedent now and at this time, and that it is more than just saying no and that Councilmember's needed to vote accordingly and take a stand. Councilmember Stoddard made a motion to affirm the agreement the City has had with the Pioneer Days Committee for the past 30 years, that the Committee determines who the vendors are during the celebration. The motion received a second, all councilmembers in favor.

There being no further business before the Council the meeting was adjourned at 8:23 p.m.

Attest:

Willard D. Beck, Mayor

Taci Stoddard, City Clerk-Treasurer