

*CITY OF ST. ANTHONY
COUNCIL MEETING MINUTES – November 12, 2008 – 7:00 P.M.
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS*

PRESENT: Councilmembers Woody Andersen, Bryan Fullmer, Garth Rose, Dee Rausch, and Elva Powell.

ABSENT: Bryan Stoddard

ALSO PRESENT: City Attorney Bill Forsberg, Police Chief Jim Smith, Public Works Superintendent Scott Butigan, City Clerk/Treasurer Patty Parkinson, approximately 21 Interested Citizens and Reporters from the Post Register and South Fremont News and Views.

Prior to the meeting being called to order Mayor Beck resigned his position as Mayor providing the Clerk with a letter of resignation. The meeting was therefore called to order by Garth Rose, Council President, at 7:06 p.m.

PLEDGE ALLEGIANCE TO THE FLAG was led by Will Rhea, citizen.

PUBLIC COMMENT – The floor was opened by Council President Garth Rose for any public comment.

Lori Parker Cahoon, citizen, commented on being proud to be a citizen of St. Anthony. She came to ask the council to consider the parking ordinances and to consider what is best for St. Anthony and not just best for a few.

Linda Chavez, citizen, commented on the parking ordinance. She said her husband drives a logging truck and is concerned that if the City does not allow semi-trucks to park in St. Anthony they'll have to move away. She said her husband does all his own maintenance on his truck. She compared an empty truck at 26000 lbs versus a school bus at 36000 lbs. She claims that there has never been maintenance done to her road and they had to tear down a chain link fence to park their truck on their property. She would like the council to consider the families that depend on trucking as their income. Councilmember Fullmer then asked a question about loaded trucks versus unloaded trucks and if that is what more people would be willing to look at. Ms. Chavez said that her husband rarely brings in a loaded truck. Councilmember Rausch commented on how they also had to change their yard to accommodate their truck. And if this ordinance is passed then they too would have to sell their home and move. Councilmember Rausch said that she is passionate about this.

Bob Jackson, (unknown address or interest) from the Port of Entry, said that just from an economic standpoint that one legally loaded vehicle does the same amount of damage to the surface of the road as 9600 automobiles.

Ms. Chavez said that truck owners have to pay a lot of road taxes, not just to one government agency but to several, federal, state, etc. She said that those taxes that they pay should go to fix the roads.

Councilmember Fullmer said the issue is not the trucks but the costs of repairing the streets. That the reason they are looking at the ordinance is to try and find a way to fix the streets and maintain them the best way possible.

Darren Parker, citizen, talked about some of the things he parks in his yard and felt that this ordinance was directed purely to him. He would like the council to come up with a compromise somehow.

Councilmember Andersen responded by explaining that there are zoning issue involved in where you park trucks. People buy in a residential area to live in a residential area. Those areas being quiet and family friendly oriented, etc. He said that the committee worked on this ordinance for almost a year. There were five people on the committee trying to come up with the best solution. There were many problems identified, those being noise, oil, break up of the streets and they were trying to keep residential areas safe and clear of clutter. They also wanted to update the ordinance, as many things were outdated. What they ended up was a beginning and now as a council they are looking at what the committee came up with. They are trying to maintain the values of life in St. Anthony and to keep the zoning to what residents expect in their residential areas. They have talked about other options, including grandfather clauses. He talked about the many different kinds of trailers, RVs and how they are stored and that a solution is needed for all types and kinds of parking.

Ruben Cruz, citizen, says that before he bought his home he asked the city if he could park his truck and he said the city said this would be okay. He also commented on lots with tall weeds and that those lots don't look good.

Rob Sessions, citizen, and concrete co-owner said that he is required to have several vehicles for his workers and that he has no place to park his trailers. He said he keeps his forms in his shop in the winter and he needs a place to park. He said it is impossible for him to leave the trailers at the job site and would like the council to consider his circumstances. He said his property is 615 S 2nd East and is zoned commercial.

Councilmember Fullmer requested any citizen to try and come up with better ideas or solutions and is interested in hearing their ideas.

There being no other public comment, Councilmember Garth Rose declared the public comment closed at 7:29 p.m.

GENERAL BUSINESS

ATV/UTV/Motorcycle Ordinance – The Chief of Police explained that beginning Jan 1, 2009, ATVs, UTVs, and Motorcycles will be able to drive on the streets. City Attorney Forsberg said that the legislature has come up with two different classes of vehicles; one is a limited use vehicle with all the things that make them street worthy. The Police

Chief explained what makes a vehicle road worthy. City Attorney Forsberg says it has to be specifically licensed. Councilmember Fullmer feels that if they meet the street legal equipment as required by State Law then they should be allowed on the street. Councilmembers Rausch and Powell agreed. City Attorney Forsberg said that if council decided that if vehicles are street legal then they need do nothing and no ordinance is required. The Council may address this new law at a later time if the need should arise.

Capital Improvement Plan Projects – Streets - This item was tabled for the next council meeting.

Heater Bids – Public Works Superintendent Scott Butigan reported that one of the heaters that supply the Visitor Center and the Library is no longer working. He has obtained two bids, one from JudCo's, \$5290, and one from Housley's, \$. There is a difference in BTUs in each of the bids. PWS requested approval for \$5300. Council questioned what amount was in the budget for this type of repair. Councilmember Andersen made a motion that if budget allows spending the money on the heater for a maximum of \$5300. Councilmember Rausch seconded. All councilmembers present were in favor.

Phase Three (3) Sewer Grant update – Paul Scorseby, of Schiess & Associates, reported on the Idaho Community Development Block Grant. Mr. Scorseby believes that the city can go back and ask for an additional grant to help with this phase of the sewer project. This idea could potentially make it easier for the city to come up with the matching funds that the city needs. Mr. Scorseby asked the council to continue to allow Schiess & Associates to continue to pursue this option. Once we are under contract then the STAG money is transferred from Washington to Idaho. This would be the last and final time for sewer money from the Idaho Department of Commerce for a long time. Mr. Scorseby reported that the grant may or may not come through however, it could potentially pay for the engineering and administrative costs associated with this phase of the Sewer project.

Councilmember Andersen asked if there a time line for this money. Mr. Scorseby reported that as long as we are showing forward progress towards this project we should be ok and he recommended that the City should try to seek to use the entire amount. Mr. Scorseby thinks we are safe to go ahead and seek the grant and it looked very promising that the City would get it. If the City was unable to come up with the \$450,000 needed, it may still be okay to continue to get under contract, then the City has three years to come up with a plan and use the grant. Mr. Scorseby reported that other cities have used their own crews and have been successful. The city has essentially next year to get an application prepared for the Department of Commerce and then the construction would occur in 2010. It would be the first of the year before the STAG coordinator would even present us with an agreement to sign.

Planning & Zoning Fees – Tabled for the next regular meeting in December.

RC&D Pledge – Cloud Seeding – The city clerk explained that in October 2007 the City of St. Anthony sent a Letter of Intent to High Country Resource Conservation and Development Council (RC&D) to commit to \$2,100 a year towards their Cloud Seeding

Project. Council directed the clerk that if the funds were budgeted then it was okay to send in our annual contribution.

Resolution for Investment Account (Certificate of Authority) Wells Fargo - The City clerk read the resolution. Councilmember Fullmer made a motion to accept the resolution as read. Councilmember Powell seconded. All councilmembers present approved.

Skate Park lights – The Police Chief reported that currently the lights are off at dusk and that a concerned citizen would like to have the lights back on to allow for continued activity at the park. The lights are there, they are just turned off. They were on a timer. The Police Chief said that currently city code indicates the parks are required to close one half hour after dusk. The request was for an exception after that. Councilmember Andersen didn't see a problem up to 10 p.m. at night unless there was a special event with permission that might require lights to run later. The council would like to revisit that ordinance and in the mean time leave the lights on until 10 p.m. The City Attorney explained that it's in code or resolution and was passed in December of 2003 that the parks would be closed one hour after sundown. To change this, the ordinance must be amended. Council then requested that the City Attorney change the ordinance to 10 p.m. to one hour after sunrise. The City Attorney will provide an ordinance change for council to review at the next regularly scheduled council meeting.

Request to bring City bar closings in line with State Law – The City Attorney explained that the legislature amended the law that prohibited selling liquor by the drink. Our city currently disallows this by city ordinance. A request has been made to the city to amend this ordinance to be in line with the currently State Law. Council was in agreement to keep in line with the state law. The City Attorney will draw up and bring an amended ordinance to the next regular council meeting.

Parking Ordinance – Councilmembers decided to table the discussion of the parking ordinance to the first December meeting. Councilmember Rausch commented that once truck routes are designated and the trucks are allowed to deliver to stores, then delivery trucks are here day in and day out. She wants council to think about this. All members agreed to table.

Animal Ordinance – Councilmember Rausch introduced the new Animal Ordinance. A motion to pass on the first reading was made by Councilmember Andersen. Councilmember Fullmer seconded. Councilmember Rausch read by title only. Councilmember Fullmer made a motion to pass as read by title only. Councilmember Powell seconded. All councilmembers present were in favor. Motion carried. A motion to suspend the rules and read the ordinance by title only for a second and third reading was made by Councilmember Fullmer. Councilmember Powell seconded. All councilmembers present were in favor. Motion carried. Councilmember Fullmer read the second and third readings by title only. A motion to pass the ordinance as read was made by Councilmember Fullmer. Councilmember Powell seconded. The roll call vote was as follows: Councilmembers Powell, no; Andersen, no; Rose, yes; Fullmer, yes; Rausch, yes; Councilmember Stoddard, not present. Ordinance passed by majority vote 3-2. The ordinance will become effective after publication.

Councilmember Andersen said that he voted no because there was no rush to create this ordinance and there was not enough public comment.

Resolution for Establishing Fees for Keeping Dogs – This resolution was introduced by Councilmember Rose. Councilmember Andersen read the entire resolution. Council discussed prices and how much money should be charged for kennel licenses. After making changes to 6.08.150 to charge \$25 instead of \$50 for Non-commercial Kennel license and \$100 instead for \$200 for Commercial Kennel license and to change the Annual kennel license renewal fees to \$25 for both noncommercial and commercial from no charge and \$150 respectively. A motion to accept the Resolution Establishing Fees for the Keeping of Dogs with the changes was made by Councilmember Andersen. Councilmember Fullmer seconded. All councilmembers present were in favor.

Second November and December Council Meetings – Councilmembers discussed the many different items before them in the next two months. Councilmember Powell made a motion to cancel the second regular November council meeting due to Thanksgiving holiday. After some council discussion councilmember Powell rescinded motion.

Councilmember Fullmer made a motion to adjourn to executive session pursuant to Idaho Code 67-2345(f) to communicate with legal counsel. Councilmember Rose seconded. A roll call vote followed: Councilmembers Andersen, yes; Powell, yes, Rausch, yes. Councilmember Andersen made a motion to adjourn to executive session pursuant to Idaho Code 67-2345(a) & (d) at 8:46 p.m. Councilmember Fullmer seconded. A roll call vote followed: Councilmembers Powell, yes, Rausch, yes, Rose, yes.

Council President Rose called the meeting back into session at 9:19 p.m.

Councilmember Rose made a motion to have a work meeting, Thursday, November, 20, 2008 and to cancel the second regular November council meeting which was scheduled November 26, 2008. Councilmember Fullmer seconded. All councilmembers approved.

MEETING MINUTES - A motion to approve the meeting minutes of the October 8, 2008 and October 24, 2008 regular council meetings was made by Councilmember Andersen. Councilmember Fullmer seconded. All councilmembers present were in favor.

INVOICES - Payment Approval Reports were presented to Mayor and Council. Councilmember Andersen noted an error and the Clerk will make corrections. Councilmember Powel made a motion to accept the invoices with corrections. Councilmember Rausch seconded. All councilmembers present were in favor.

MAYOR & COUNCIL REPORTS

Councilmember Fullmer would like the packets they normally get before a meeting to be available by computer and not paper. The Clerk said that this could be done and would provide councilmembers with a special council login on the City's Official Web page (cityofstanthony.org) to accommodate this request.

Councilmember Andersen provided a letter to each councilmember from a citizen regarding the parking ordinance.

DEPARTMENT REPORTS

The Public Works Superintendent (PWS) reported on the valve bid coming in at approximately \$23,000. Council had budgeted \$27,000, so this come in under budget. PWS also reported that the hydro ranger for the well house is in. Also, the main water line at Bridge Street the lowest bid came in at \$23,000. The work will be started in the next week and should be finished in a few days.

The PWS continued his report by saying that the City is still waiting for parts on the lift station at Parker's and that expense will be around \$12,000. Lightening took out the panel on that station. An insurance claim has been submitted and the City is waiting for a report back from the insurance before submitting the expense.

The Chief of Police reported that the new patrol vehicle is expected the end of the month or mid December. He also reported that he would like to hire a replacement officer for the officer that resigned.

Councilmember Andersen expressed his appreciation to Mayor Beck as a Mayor and as a councilmember and he said he has a great deal of respect for his knowledge about the City and that he always had the best intentions for the City and has done a "heck of a job." Councilmember Andersen said that he appreciates him.

There being no further business to come before the Council the meeting was adjourned at 9:29 p.m. by Council President Garth Rose.

Attest:

Garth Rose, Council President

Patty Unruh Parkinson, City Clerk-Treasurer