

*CITY OF ST. ANTHONY
COUNCIL MEETING MINUTES – December 10, 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, Bryan Stoddard and Elva Powell.

ALSO PRESENT: City Attorney Bill Forsberg, Police Chief Jim Smith, Public Works Superintendent Scott Butigan, City Clerk/Treasurer Patty Parkinson, approximately 44 Interested Citizens.

The meeting was called to order by Council President Rose at 7:01 p.m.

PLEDGE ALLEGIANCE TO THE FLAG was led by Neils Thueson.

PUBLIC COMMENT – Council President Rose opened the floor for public comment.

Craig Chandler, the City's ICRMP insurance agent, spoke about ordinances. He commented that he was speaking as an insurance agent that represents the City and our needs. He provided examples of other cities that have ordinances on their books that are not being followed and how those cities have been found liable in certain situations. He also commented on hoping that whoever wanted to be Mayor wants to because they want to help the community.

Donna Lopez, citizen, said that she has no desire to run for council or mayor. She then began to read from a written statement. She spoke against the Chief of Police, Jim Smith and ended her statements by requesting that the Chief of Police tender his resignation.

Darrin Parker, citizen, spoke about trying to work together as a community and helping our neighbors. He spoke in opposition of closing the streets at 10 p.m. He talked about driving his truck and how he parks it out of town. He also said he appreciates this town.

Reed Hill, citizen of Rexburg, commended the city council for their efforts and their fortitude with moving forward in regards to the proposed increase in the area of city impact.

Richard Bratzman, citizen, talked about winter weather and tow removals and asked that the City have their paperwork ready for him before a tow is requested.

Council President Rose closed the public comment at 7:17 p.m.

GENERAL BUSINESS

Parking Ordinance – Councilmember Rose introduced a discussion on the proposed Parking Ordinance. Rose thought that the Parking Ordinance should be sent back to

committee for some fine tuning. Councilmember Rausch wanted to know how long this ordinance should stay in committee. Rose answered by saying as long as it takes.

Rausch then had questions about grandfathering in certain options and if a grandfathering clause would only last for a two year period. City Attorney Forsberg replied that a grandfathering clause is for outdoor use of property and has a two year limit. Rausch then said that a grandfather clause would not be doing semi truck drivers a favor; as it should be for a life time. The Public Works Superintendent (PWS) asked if there would be any citizens from the audience that who would want to volunteer to be on a Parking Committee. Darrin Harris, from the audience, then asked about snow plowing and also indicated that he would be willing to serve on the committee. Derrick Otto and Steve Sommers, all citizens, also volunteered to serve on the committee. Councilmember Andersen was appointed as Chairman and will notify those that volunteered when they will meet. Andersen said the best way to help the city in snow removal is for the citizens to move their vehicles off the street as soon as they see it snowing. Councilmember Fullmer requested to be released from the committee. Councilmember Rausch said she would be on the committee. Councilmember Stoddard said there are still concerns of wear and tear on the streets.

Discussion on Mayor Appointment – Council President Rose opened the discussion saying that a work meeting could be held this month for the council to be ready to make a possible decision the first council meeting in January. Rose suggested giving each candidate five minutes to prepare a presentation to the council. Dave Loomis, a candidate for Mayor appointment, was asked by the council members to speak since he wouldn't be available next week. Mr. Loomis spoke his opinion about government and said that when one is elected, they should serve until the end of their term. He also said that if appointed it was his civic duty and would only want payment of \$1 for the rest of the Mayor's term. He said he wouldn't run for Mayor at the next election; just fill in until the end of the term. He said he felt that the Mayor shouldn't make any decisions, that it should be up to the council to "run the city". Councilmember Rausch asked if whether or not he would bring the things he saw going on in city to the council for their decisions. Mr. Loomis said that he would not make rash decisions. Mr. Loomis said he did have an ongoing disagreement with the Chief of Police. Mr. Loomis said he would have a discussion with the Chief. Mr. Loomis also said that he has friends that can help the City with plowing. Councilmember Stoddard asked if Mr. Loomis would write a letter about what he thinks the City needs to accomplish in a year and how he would propose to do that. A motion to have a Work Meeting a week from tomorrow, December 18, 2008 at 5 p.m., to discuss the appointment of a Mayor was made by Councilmember Stoddard. Councilmember Fullmer seconded. All councilmembers approved.

Planning & Zoning recommendation – The Planning & Zoning Committee provided a written recommendation on the proposed new Area of Impact. Councilmember Stoddard made a motion to have a public hearing the second City Council meeting in January, Wednesday, January 28, 2009 at 6 p.m. At that time, Charles Ramone spoke wanting to present the council with a petition. Councilmember Rose asked that he give the petition to the Clerk. Councilmember Rausch then seconded the motion. All councilmembers were

in favor. Neal Shirley was then given permission to speak. He said he lives a mile or two south of St Anthony. He spoke about the proposed Area of Impact and the developer's planned development and if those homes having access to the irrigation ditch. He spoke in opposition of the proposed Area of City Impact. Charles Ramone also spoke in opposition of the proposed Area of City Impact. He then produced a petition with 194 signatures. He said these signatures are from people in the proposed impact area that don't want to be in the impact zone. Mr. Ramone turned in a copy of his list of signatures to the City Clerk. Vard Wright then spoke saying that there was nothing in the paper regarding the public hearing from Planning and Zoning. Councilmember Rose corrected Mr. Wright saying that all legal obligations for a public hearing were done correctly. Mr. Wright then read what he claimed was state statues on public hearings for planning and zoning. When Mr. Wright was finished, City Attorney Forsberg said that what was read pertains to adopting a comprehensive plan and this was not a comprehensive plan. Cleve Rice asked if there was a conflict of interest of the Chairperson on the Planning & Zoning Committee, who owned property in the impact area. City Attorney Forsberg said there wasn't and explained that they can still consider and vote on the issue.

Airport Board recommendation – Neils Thueson, Airport Board Committee Chairman, came to report on the last Airport Board meeting. Mr. Thueson requested to have a few more members appointed to the board. He made the following suggestions: Jerry Cain, current Airport Manager, Scott Butigan, City of St. Anthony Public Works Superintendent and a City Councilmember. Mr. Thueson also talked about the new lease agreement. He pointed out his concerns about the lease. He recommended a longer lease, one that didn't renew every year, since many hangars being built are expensive and a longer lease would be more beneficial when a person invests such amounts into their hangar. He asked why there was a requirement for liability insurance for each hangar when the City is already insured. He said the fees on the hangars were too high. He referred to other Cities' charges. Mr. Thueson said that a lot of work at the airport is paid through grants. Councilmember Rose said they'd appoint a city council member. Dave Loomis then spoke saying that the county would be willing to plow the airport. Councilmember Fullmer said it will still cost \$7000 no matter who plows. Councilmember Rose requested that Mr. Thueson provide a list of potential volunteers for the Airport Board to the City Clerk. Councilmember Rose requested that this item be placed on the special meeting agenda.

Councilmembers then went back to the second recommendation from the Planning & Zoning Committee. This recommendation was for a variance request from Rance and Summer Robles. A motion to accept the recommendation was made by Councilmember Fullmer. Councilmember Andersen seconded. Councilmember Stoddard asked to abstain, due to inadvertently being at the Planning & Zoning Meeting when this variance was discussed. All Councilmembers approved the recommendation with one abstaining. The variance was passed.

12th W Bridge Grant – Schiess & Associates – Marvin Fielding, from Schiess & Associates, reported on the Local Rural Highway Investment Program Grant Application that was due on December 1, 2008. An application was submitted for \$100,000. This money would be for work done in the 2009/2010 fiscal year. He thought that if approved

for the grant, the money would be available by spring. The completed application was given to the City Clerk.

Second December Council Meeting – Councilmember Fullmer made a motion to cancel the regular December 24, 2008 council meeting due to the holiday. Councilmember Powell seconded. All councilmembers were in favor.

Park Closing Ordinance – Councilmember Andersen began the discussion by saying that a few years ago the council set about putting a closing time for the parks to be the same for all parks. Andersen thought that was a 10 p.m. closing. He thought this new ordinance came about because people wanted to skate after dark. So the time was set to 10 p.m., unless there was a special use, such as band concerts or other special events. Councilmember Stoddard wanted to know if there were current problems with the closing now of one hour after dark. Council heard comments from the audience for and against changing the closing time. Andersen said that setting an ordinance is a tool that the city can use to enforce and question individuals who may be at the park later than 10 p.m. Councilmember Fullmer said it's a good way to control those that may become loud. Fullmer moved to table. There was no second. A motion to suspend the rules and read the ordinance by title only for the first reading was made by Andersen. Councilmember Rausch seconded. All councilmembers were in favor, motion carried. Councilmember Stoddard read first reading by title only. A motion to pass on the first reading was made by Andersen. Fullmer seconded. All councilmembers 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 Andersen. Fullmer seconded. All councilmembers were in favor, motion carried. Stoddard read second and third readings by title only. A motion to adopt the ordinance was made by Andersen. Rausch seconded, with roll call vote as follows: Councilmembers Powell, yes; Rausch, yes; Andersen, yes; Rose, yes; Fullmer, no; Stoddard, yes. Ordinance passed by majority, 5-1.

A motion to accept a resolution to set the parks' closing times to 10 p.m. for all parks was made by Councilmember Andersen. Councilmember Rausch seconded. All Councilmembers approved except for Councilmember Stoddard and Fullmer. Resolution passed by majority, 4-2.

Sale of Liquor/Election Days Ordinance – Councilmember Andersen introduced this ordinance saying that by passing it our ordinance would be in line with the current state legislation. A motion to suspend the rules and read the ordinance by title only for the first reading was made by Councilmember Stoddard. Councilmember Rausch seconded. All councilmembers were in favor, motion carried. Councilmember Andersen read first reading by title only. A motion to pass on the first reading was made by Andersen. Fullmer seconded. All councilmembers 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 Stoddard. Rausch seconded. All councilmembers were in favor, motion carried. Andersen read second and third readings by title only. A motion to adopt the ordinance was made by Fullmer. Stoddard seconded, with a roll call vote as follows:

Councilmembers Powell, yes; Rausch, yes; Andersen, yes; Rose, yes; Fullmer, yes; Stoddard, yes. Ordinance passed by majority, 6-0.

Council President Rose called for a ten minute break at 8:50 p.m.

At 9:00 p.m. Council President Rose called the meeting to order.

Drip List Policy – Councilmember Fullmer opened the discussion of a requested Drip List Policy with the PWS. Fullmer requested that the PWS prepare a proposal to determine the criteria for who could be on the list.

Shut Off Policy – Councilmembers began a discussion on the current procedure and the possibility of a resolution. Councilmember Stoddard asked questions about sewer and if there is a way of shutting that off? Attorney Forsberg explained how the City has a current ordinance that allows for the City to file suit and to also add sewer charges to the tax collection notice through the county. A motion to accept a Resolution Establishing Utility Shut Off Policy was made by Councilmember Andersen. Fullmer seconded. All councilmembers were in favor.

Planning & Zoning Fees – Councilmembers reviewed the proposed fees provided to them by the City Clerk. Councilmember Andersen was in agreement of all the fees, except for Paving Review, Water Review, Sewer Review and Drainage & Grading Review fees. Andersen wanted those fees removed from the list. Councilmember Fullmer wanted to know if the proposed fees were covering the costs for us to do that. PWS says it does if it requires an engineer to review it. PWS always recommends that the customer have things surveyed. City Attorney Forsberg was requested to create a resolution for Planning & Zoning Fees and bring to the next regular council meeting. Councilmember Andersen made a motion to pass the resolution then withdrew his motion.

Airport Ground excess property – Neil Shupe, of Shupe Flying Service, spoke in favor of the city creating excess property at the airport. Mr. Shupe is requesting that his hangar lease be included with this excess property. Councilmember Fullmer wanted to hear an opinion from the City Attorney. Attorney Forsberg had researched and provided a written statement indicating Idaho Code which states what real estate the City can sell. He continued by stating the city has a wide discretion, but the City needs to determine one of two things in order to declare property as excess. First the property must be underutilized and second the property no longer has any public purpose. Part of that property which might be considered excess is currently being leased and the city is receiving money for it. Forsberg thought it would be hard to argue that it no longer has a public purpose and that it is under utilized. He continued by saying the City has a duty to maximize the value it receives for property. Forsberg said if the City decides to sell the property they should get an appraisal. Councilmember Fullmer expressed his concerns that they might not have enough legal grounds to consider the property as excess. Attorney Forsberg also asked the council to be aware of any decision made as that decision can set a precedent.

Dangerous Buildings Follow-up – Kenny Mathews reported on his building and the progress he has made in repair and/or destruction. Mathews requested additional patience from the council so that he could continue work on the property. He said he could be able to put more time into the building in the near future. Councilmember Fullmer made a motion to extend Mr. Mathews an additional 90 days and review after that. Councilmember Rausch seconded. All councilmembers were in favor. Another property, owned by Ken Burt, was discussed. The Chief of Police said that all the necessary work had been completed on that property.

Annual Road & Street Financial Report – The City Clerk provided a copy of the Annual Road & Street Financial Report to the councilmembers. The council then authorized to publish it before Jan 15, 2009.

Fremont Co/City Building Inspection Agreement – Attorney Forsberg reported on a meeting with the county and how it came to be that this agreement was proposed. Councilmember Andersen didn't want to change the old agreement because it may affect the city impact zone with regards to gravel pits and feed lots. Attorney Forsberg said this only refers to the inspection process. Andersen wanted confirmation that it doesn't impact the city impact area. Councilmember Rose asked Forsberg to contact Kurt Hibbard from the County Planning and Zoning Commission and follow-up on this.

Downtown Buildings – Councilmember Rausch introduced this and wanted to know if the buildings on Bridge Street are considered historical. She has concerns about the color of some of the buildings. City Attorney Forsberg suggested that perhaps the council might consider inviting the local businesses to address if it would be of mutual benefit for them to have an overall "downtown" look. Rausch entertained discussion from the audience. Some were in favor, some were opposed.

MEETING MINUTES - A motion to approve the meeting minutes of the November 12, 2008 and Work meeting minutes of November 20, 2008 was made by Councilmember Andersen. Councilmember Fullmer seconded. All councilmembers present were in favor.

INVOICES - Payment Approval Reports were presented to Mayor and Council. A motion to accept the invoices as presented was made by Councilmember Rausch. Councilmember Fullmer seconded. All councilmembers present were in favor.

MAYOR & COUNCIL REPORTS

Councilmember Stoddard reported on being approached by Fremont County School District about moving a hydrant. Stoddard said he would go look at it and wanted to know if the city was under any obligation to help them. The PWS says that on any new construction, curb, gutter and sidewalk is required to be completed by the applicant.

Councilmembers asked about the sign for the newly renamed Boyd Yancey Memorial Park. PWS reported that Jake Gardner will be doing this as an Eagle Scout project.

DEPARTMENT REPORTS

The City Clerk reported on the possibility of budget cuts. There will be increases in workman's comp coming up in 2010 of upwards of 30%. The state has indicated a cut in state revenues of nearly 7%. The St. Anthony Work Camp is also experiencing cuts and has requested a decrease in their utility rates. Council President Rose requested that a review of the budget be added as an agenda item for the December 18, 2008 meeting.

The Chief of Police said that they are currently attempting to hire a replacement officer and have received about 10 or 15 applications.

Attorney Forsberg advised that the meeting scheduled for December 18, 2008, be considered a Special Meeting instead of a Work Meeting so that decisions could be made. A motion to make the meeting scheduled for December 18, 2008, a Special Meeting instead of a Work Meeting was made by Councilmember Fullmer. Councilmember Stoddard seconded. All council members were in favor.

The PWS reported that the two water projects are getting wrapped up and finished. There was a little more cost incurred on the valve and he is waiting for a report on that total amount.

The Chief of Police reported on the vehicle involved in the resent pursuit and answered questions. The Chief reported that the City is currently down to four officers. Two years ago the City employed seven.

At 10:21 p.m. Councilmember Stoddard made a motion to enter into executive session pursuant to provisions of Idaho Code 67-2345, subsection 1(b). Councilmember Fullmer seconded with a roll call vote as follows: Councilmembers Powell, yes; Rausch, yes; Andersen, yes; Rose, yes; Fullmer, yes; Stoddard, yes. Motion passed by majority, 6-0.

At 11:00 p.m. Council President Garth Rose called the regular meeting back into session.

There being no further business to come before the Council the meeting was adjourned at 11:00 p.m. by Council President Garth Rose.

Attest:

Garth Rose, Council President

Patty Unruh Parkinson, City Clerk-Treasurer