

*CITY OF ST. ANTHONY
COUNCIL MEETING MINUTES – January 28, 2009 – 7:00 P.M.
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS*

PRESENT: Mayor Garth Rose, Councilmembers Woody Andersen, Bryan Fullmer, Bryan Stoddard and Elva Powell (present by speaker phone).

ALSO PRESENT: City Attorney Bill Forsberg, Police Chief Jim Smith, Public Works Superintendent Scott Butigan, City Clerk/Treasurer Patty Parkinson, approximately 13 Interested Citizens.

The meeting was called to order by Mayor Rose at 7 p.m. Mayor spoke saying that there wasn't a quorum in the house, but because Elva Powell was on the phone there was then the required quorum.

PLEDGE ALLEGIANCE TO THE FLAG was led by PWS Scott Butigan.

PUBLIC HEARING - Canceled - Mayor Rose announced that the earlier public hearing, scheduled for 6 p.m., had to be canceled due to an error in the legal publication. Rescheduling the meeting is on the agenda for this evening.

GENERAL BUSINESS

Council Member Appointments – Mayor Rose began by appointing Bryant Biorn and Rod Willmore to replace the open seats of Councilmember Rose and Councilmember Rausch. A motion to accept Bryant Biorn and Rod Willmore was made by Councilmember Andersen and seconded by Councilmember Stoddard. Councilmember Powell approved and Councilmember Fullmer did not. A majority vote is required for the appointment and since there was not a majority the motion died. Fullmer wanted to move on to the second item on the agenda, reducing the number of council members. Fullmer said that if the council didn't want to reduce the council then they could go back to taking a revote for the appointments.

Discussion of Reducing the Number of Council Members – City Attorney Forsberg had provided the council members with a memo regarding the steps necessary for the city to reduce the number of council members from six to four. Councilmember Andersen had a question on whether or not the council seats had to be filled before the next general election. Forsberg advised that the council needs to appoint members to fill the vacancies if there are certain things that need to be decided on before the next general election. Andersen felt it was a good idea to get the appointments made so that the council, if needed, could make decisions. Andersen also said that after visiting with the County's Commissioners and their smaller member council he thought that our council was more of a part time paid position, versus the county's where they were paid much more for more of their committed time. Andersen also felt that a six member council gave a better representation for the city residents. Councilmember Stoddard said that running a special election would cost money and that the savings, which he estimated at \$4000, wouldn't be

worth losing the representation from the community. Councilmember Fullmer said he wanted to look at having a four member council to save costs.

A motion to accept the appointments of Bryant Biorn and Rod Willmore to the two open council seats made by the Mayor was made by Andersen and seconded by Stoddard. All approved. Mayor called for a five minute recess so the Clerk could prepare the oath to swear in the new members. After the Clerk returned the Mayor called the meeting back into order and both Bryant Biorn and Rod Willmore were sworn and immediately took their seats on the council.

Val Hammond – Fire Hydrant at School – Val Hammond, from Central School, took to the podium, introducing Dr. Parker, Superintendent of Schools, who was attending with him. Hammond spoke about the new addition to Central School and made a request to move the existing fire hydrant next to 5th North to be closer to the new Central Addition. Hammond also indicated that the school would be making a bus lane that would be in front of the new Central addition and in front of the renovated addition. He handed out a map showing the proposed changes. He said they would be moving the sidewalk closer to the building and making a bus lane close to the new addition that would exit the students to the new rotunda to the new entry into Central. The buses will then exit onto 4th North. The bus lane would be one way. Hammond requested the city create a one way on 5th North and 3rd West. Councilmember Andersen didn't think this would work as there are currently problems now with traffic going on to Bridge towards the High School. After discussion by the council members, Councilmember Fullmer said that the Police Chief needed to do a traffic survey required by City Code. A motion to direct the Police Chief to do a traffic study of that area and report back to the next council meeting was made by Fullmer and seconded by Councilmember Willmore. All were in favor. The motion passed 6-0. Council directed the PWS to make the necessary arrangements with the school to move the fire hydrant. Dr. Parker then spoke saying he would like to assist with any help needed to complete the traffic study.

Resolution for Grant Application/Schiess & Associates – Paul Snarr, of Schiess & Associates, took to the podium and spoke about the condition of some of the city streets. Main Street has federal funding to start engineering designs and work can be started with fiscal year 2010. Funds are there to begin work on Bridge Street next to 12th. Snarr said a city wide LID was out of the question, but there may be a stimulus package coming and the Idaho Transportation Department (ITD) believes that there may be two fundings coming through right away and another in April or May. Snarr gave the council members a map showing streets that are eligible for federal funding, but the city needs to wait for three years for eligibility because the city already has received federal funds however, the stimulus package does not have that rule. Snarr thought that maybe there wouldn't be a requirement for a match. The projects that are being applied for need to be ready to go within the next 90 days. These projects would be for total new reconstruction on the streets, not just rehab, with a 12 inch water line on 12th West. Snarr calculated a cost of \$9 million. This resolution would only be for submitting the grant application. Snarr said that they wouldn't be charging us for doing this unless there was some engineering, which would be minimal, for test holes and plans. Snarr did not provide a dollar amount. He said they could work something out if the city decided they couldn't take the project. This

application is due to ITD Friday and would be reviewed Sunday and the Plans Specifications and Estimates (PSE) packages and estimates are due to Local Highway Technical Assistance Council (LHTAC) the middle of February. Snarr would like to see the applications signed and the resolution passed so that the package could be next day mailed. City Attorney Forsberg said that if this is done then it should be done contingent upon the engineering costs being dependent on the grant being received to reimburse the costs of the engineering. Councilmember Fullmer disagreed with applying for any of the stimulus package and that it shouldn't be done, saying that if we weren't willing to ask for taxpayers to pay for new roads then we shouldn't be asking for any money from the stimulus package, as it just is money from the taxpayer. Councilmember Andersen agreed with Fullmer but still felt that if the city didn't apply the dollars would be sent to another community and that we should at least apply to try to give something back to the taxpayers. A motion to pass the resolution to allow Schiess & Associates to apply for this grant was made by Andersen and seconded by Councilmember Willmore. All were in favor except for Fullmer who opposed. Motion passed 5-1. The resolution was read by Councilmember Biorn.

One council member had a question about the Safe Route to School Grant. Snarr said that this is ready to bid out and is fully funded up to \$100,000 less the engineering costs.

Ordinance to change Council Meetings – Mayor Rose introduced the ordinance to change the day of the council meetings from the second and fourth Wednesdays of every month to the second and fourth Thursdays of every month. A motion to suspend the rules and read the ordinance by title only for the first reading was made by Councilmember Stoddard. Councilmember Biorn seconded. All councilmembers were in favor, motion carried. Councilmember Andersen read by title only. A motion to pass on the first reading was made by Stoddard and seconded by Councilmember Fullmer. 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 and Fullmer 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 Andersen. Councilmember Willmore seconded, with a roll call vote as follows: Councilmembers Powell, yes; Biorn, yes; Andersen, yes; Willmore, yes; Fullmer, yes; Stoddard, yes. Ordinance passed by majority, 6-0. The Clerk was ordered to publish.

Motion to accept the Annual Audit Report – The Clerk began by explaining that there were some questions regarding the audit and that she was meeting with the prior clerk and the auditor in order to answer any questions that the council may have. Councilmember Fullmer moved to table this item to next meeting. Councilmember Stoddard seconded. All were in favor. Stoddard had questions on the uninsured funds referred to in the audit. Attorney Forsberg said that this may be something the Finance Committee can review.

Mayor Rose called for a five minute recess. After a short break, Mayor brought the council back into session.

Planning & Zoning Fees Resolution – The Clerk read the Resolution for Establishing Planning and Zoning Fees. A motion to adopt the resolution with the attached schedule of

fees was made by Councilmember Fullmer and seconded by Councilmember Andersen. All were in favor. The motion passed 6-0.

Proposed Area of Impact Reschedule Public Hearing – Mayor Rose said the public hearing previously scheduled for this evening was canceled due to an error in publication. Council discussed having the public hearing before the second meeting in February. A motion to schedule a Public Hearing for the Proposed Area of City Impact for February 25, 2009 at 6 p.m. was made Councilmember Biorn and seconded by Councilmember Willmore. All were in favor.

Discussion of Patrol Vehicles – Councilmember Fullmer introduced this discussion saying that there has been two new patrol vehicles purchased and the remaining patrol vehicles are in need of repair and that this was on the agenda to determine what the City's policy would be in regards to purchasing new patrol vehicles in light of the current budget constraints. Councilmember Stoddard said that he has spoken to the Chief of Police and knew that he had some ideas on replacing or repairing the current vehicles. Chief talked about replacing the crashed car with a used ISP vehicle. Insurance has paid for the crashed car and valued it at \$5000. Chief said there are a number of vehicles for sale under \$5000, one a 2005 for \$3500. Decals would cost about \$90. Fullmer said he didn't have a problem with replacing the crashed vehicle with the money the City received from insurance. Councilmember Biorn said that this seemed to be a good use of the money. Fullmer said he doesn't have a problem with replacing the crashed vehicle with the money received from insurance. A motion to not buy a new police car was made by Councilmember Fullmer. There was no second. Fullmer also had some information on possibly replacing the crashed car with used vehicles from another law enforcement agency in Utah. A motion to have the police department look at the vehicles up to \$5000 was made by Fullmer and seconded by Biorn. All were in favor.

Surplus property – Two vehicles – There was a request for two vehicles to be declared as surplus, however the Chief would like to use one vehicle as parts for other vehicles and to have only the one vehicle declared as surplus. A motion to declare the 1985 Dodge pickup, VIN number 1B7JD24T8FS563156, as surplus was made by Councilmember Fullmer and seconded by Councilmember Stoddard. All were in favor.

Police Report Writing System Change – The Chief reported changing over to another report writing system to keep in line with the County's move from EForce to Computer ARTS. The initial cost is \$3000 with one terminal for the department. The maintenance fee is \$600 per station per year. Councilmember Fullmer said that every time we get a new sheriff we have to change systems. He said that the city should consider maintaining and keeping our own system. Chief will check into possible keeping EForce. Chief will do some research and get back to Councilmember Stoddard. Stoddard will then make a recommendation to the Mayor to either make the change from EForce or not.

Liquor Catering Permit for Star Bar/Mule Deer Banquet – Mayor Rose introduced this item saying that this permit was for the serving of liquor by the Star Bar at the Annual Mule Deer Banquet. A motion to approve the Liquor Catering Permit for the Star Bar for the Annual Mule Deer Banquet at the National Guard Armory for the 14th of March, 2009 from

5 p.m. to 1 a.m. was made by Councilmember Fullmer and seconded by Councilmember Stoddard. All council members approved.

PUBLIC COMMENT – Mayor Rose opened the floor for any public comment.

Donna Lopez of 129 E 6th S – Lopez took to the podium and said she was here to request the resignation of Chief Smith. Lopez continued by stating that Chief Smith is lying about his military record. Lopez also asked for the resignation of Don Rogers, saying that the inventory he took regarding her father's property could not have been compiled for the families. Lopez said there are several animals running around and no one shows up for animal control calls. She said that she has called several times for two dogs in her neighborhood and no one gets the dogs. Lopez said that several new buildings and remodels have not posted building permits, one in particular belonging to JD Henry, who did an additional remodel onto the original house. Lopez said curb and gutters were never built for the property. Lopez said a mobile home was put in on 7th South that never displayed a building permit. Lopez said the City of St. Anthony is losing money by not having people get building permits. Lopez said that due to the actions regarding the city removing property at her father's that she is requesting the resignation of all city employees involved, including Chief Smith, Don Rogers and Scott Butigan. Lopez said that she has requested that the city council and the Mayor request an investigation be done on what was done at her father's property. She said that some of her family members fear for their lives saying that there were nine police officers there holding her family hostage. She then said that seven people have been pulled over for nonsense reasons. She said that she feels this is harassment because of what was going on with her father's property. She then said that she is requesting the resignation be done or an investigation be put into the Attorney General's Office.

The Mayor then asked for any other public comment. There being no further public comments the Mayor closed the floor.

INVOICES & CLAIMS - Payment Approval Reports were presented to Mayor and Council. Councilmember Fullmer wanted to know what they can do to approve bills to a point that we are not going over budget or to wait to approve all the bills instead of just reviewing the bills that have already been paid. Councilmember Stoddard wondered about a monthly budget. Councilmember Andersen said there are seasonal expenses and it's difficult to know how much snow you will have in a month, as far as trying to spend under a monthly budget. Attorney Forsberg explained some of the problems of operating under a city budget and that the Mayor and Staff have been analyzing some of those over expenditures. Forsberg reviewed those items. A motion to approve the invoices and claims was made by Fullmer and seconded by Andersen. All council members approved.

MAYOR & COUNCIL REPORTS –

Councilmember Stoddard reported on his meeting with the police department. Stoddard said the Police Department is doing a lot of good. Stoddard commended the officers for looking at the changes in scheduling and that Chief is doing the best he can for the city and is very willing to work with the council.

Councilmember Andersen reported meeting on the 21st of the month with the Parking Committee. They discussed where they wanted to go from there and handed out new packets. Andersen reported that the committee is starting at square one with the information they've built up over the past year. Andersen said they will be meeting again on the 12th of February.

Councilmember Willmore said he is looking forward to getting assignments.

DEPARTMENT REPORTS

Clerk Patty Parkinson handed out a new proposed personnel policy and asked that each member review the policy and return it so that it can be added to a later agenda for discussion.

Attorney Forsberg reported that the new personnel policy is one designed by ICRMP and he is available to answer any legal questions.

PWS Scott Butigan handed out a list of items to council that his department has considered cutting to reduce costs. Some of the items discussed were not plowing the airport, spring clean up, weed spraying, cutting out the asphalt repairs, snow hauling, mosquito abatement, making a single pass by the snow plow on streets, eliminating the flowers and insulating the city shop to try and save money on heating. Butigan reported that his department has plowed between six and eight times this year. Councilmember Biorn commented on cutting items that may or may not have a direct impact on citizens' health and safety. Biorn said cutting the flowers doesn't have a direct impact on the health and safety of citizens, where mosquito abatement could. Attorney Forsberg reported that currently we are ahead in revenue at this point in time in the budget year. Forsberg said most of our revenue comes from property taxes and those are ahead and have just come in. Mayor commended the way that the streets have been plowed, saying the Street Department has done a good job.

The Chief of Police Jim Smith reported that he has a meeting Friday for Special Olympics. Next week the Special Olympics will be running through town with their torch. The Mayor, Chief and Sheriff will be there to give speeches at the High School. Chief reported hiring a new temporary full time employee, Stuart Propsom, until the officer from POST returns from training.

Mayor made assignment changes placing Andersen on the Finance Committee and Street Liaison, Biorn on the Finance Committee and Chamber and FEAC Liaison, Fullmer on the Personnel Committee and Sewer and Water Liaison, Powell on the Personnel Committee and Sanitation Liaison, Stoddard on the Finance Committee and Police and Animal Liaison, and Willmore on the Personnel committee and the Airport and Fire Liaison. Mayor also announced he will do a State of the City address next month. Mayor expressed his appreciation for the new councilmembers, saying he had a lot of people wanting the job and every one would have been a good choice. Mayor said he appreciates their willingness to serve.

There being no further business to come before the Council the meeting was adjourned at 9:43 p.m. by Mayor Garth Rose.

Attest:

Garth Rose, Mayor

Patty Unruh Parkinson, City Clerk-Treasurer