

*CITY OF ST. ANTHONY  
COUNCIL MEETING MINUTES – May 27, 2009 – 7:00 P.M.  
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS*

**PRESENT:** Mayor Garth Rose, Councilmembers Woody Andersen, Bryant Biorn, Bryan Stoddard, Bryan Fullmer, Elva Powell and Rod Willmore.

**ALSO PRESENT:** City Attorney Bill Forsberg, Police Chief Jim Smith, Public Works Superintendent Scott Butigan, City Clerk/Treasurer Patty Parkinson, and approximately five interested citizens.

The meeting was called to order by Mayor Rose at 7:00 p.m.

**PLEDGE ALLEGIANCE TO THE FLAG** was led by Joyce Edlefsen.

### **GENERAL BUSINESS**

**Central School One Ways – Val Hammond** – Mayor Rose reported that Val Hammond was unable to attend due to high school graduation happening at this same time. Due to Val not being able to attend, this item will be postponed to the next council meeting.

**ARRA Contract Review and Signing – Schiess & Associates** – Paul Scoresby from Schiess & Associates was scheduled to be at the council meeting for the review of the American Recovery Reinvestment Act Contract for the East Main Project. However, he was not in attendance and so Mayor Rose tabled this item. This item will be postponed until the arrival of Scoresby or the next council meeting.

**Review of RFPs and selection for Grant Administrator – Sewer Project** – Mayor Rose reported that presentations were done by two different companies a few weeks prior to the Finance Committee, Taci Stoddard of Schiess & Associates and Ted Hendricks of The Development Company presented. Mayor Rose asked council for discussion. Each council member was given the presentations and the Request for Proposals which had the scoring method to be used. Mayor Rose reported that both gave very good presentations. Councilmember Stoddard said that based on his scoring his recommendation is to use The Development Company. Councilmember Biorn said he also scored The Development Company with the higher score. Councilmember Andersen said both companies presented well and he said he thought that either would do a good job. Andersen said he scored The Development Company with the higher score. Mayor Rose said that his recommendation was The Development Company. Councilmember Fullmer asked why this hadn't been brought before the full council and didn't agree with the Finance Committee making a decision on this. Mayor said a decision wasn't made on this and that the council is making their decision now. Fullmer said he wasn't told about the Finance Committee meeting and did not have any information. Mayor Rose said that the information was given to all the council members in their packets. Councilmember Willmore said that at the last council meeting it was discussed that the presentations would be made in the Finance Committee meeting. Mayor Rose asked for a motion. A motion to accept the proposal from the Development Company was made by

Councilmember Andersen and seconded by Stoddard. All were in favor except for Fullmer who was opposed. Motion passed by majority, 5-1. Mayor Rose directed the clerk to contact both companies of the decision made by council.

**Engagement Letter for auditing services – Rudd & Company** – Mayor Rose asked if everyone read the letter and requested any discussion from council. Councilmember Willmore asked what kind of job they have done in the past. Council discussed the pros and cons of changing to a different company and the proposed cost. Councilmember Andersen reported that Rudd & Company has done this for a number of years and does maintain historical knowledge of the city and with having a new city clerk they would be better equipped to continue with our audits. A motion to accept the Engagement Letter for Auditing Services from Rudd & Company for fiscal years ending 2009, 2010 and 2011 was made by Councilmember Biorn and seconded by Willmore. All were in favor. Motion passed. Mayor Rose directed the clerk to contact Rudd & Company.

**Sidewalk Ordinance – 1<sup>st</sup> reading completed** – Mayor explained that at the last meeting a first reading was completed. Attorney Forsberg said that this copy has the snow removal section removed per instructions from the last meeting. This is the updated ordinance. Councilmember Andersen asked about section G, wanting to know if merchants are required to remove merchandise from the sidewalks when the business is closed. Attorney Forsberg said that means that a merchant must bring in their displays at night. A question about St. Anthony Motors leaving their vehicles on the sidewalk came up, wanting to know if this would make them move their vehicles off the sidewalk each night. Forsberg said that under this ordinance the vehicles would be required to be moved. However, Council may, under this ordinance, have the ability to make an exception for a particular business, like St. Anthony Motors, and waive that requirement. Councilmember Fullmer wanted to know the definition of a business. Forsberg said that definition is in our ordinances. Fullmer wanted to know if we would be requiring the Veterans to have a \$500,000 insurance policy to sell their poppies on the streets. Forsberg said they are not considered a commercial business and the city at this time does not license businesses in the city. Fullmer said that the problem is that we are trying to legislate the use of discretion and common sense and said that this ordinance was attempting to cover too many issues. Fullmer said that the council should address those days, like Fisherman's Breakfast and Pioneer Days, directly in the ordinance. Councilmember Biorn said that with the creation of this new ordinance it allows for some ability and authority to allow for special events or for businesses to display, that our old ordinance did not have. Forsberg said that we currently have an ordinance that doesn't allow for any discretion by council and that this was an attempt to allow for that so that council was not violating their own laws. Councilmember Stoddard talked about the liability insurance and if one were to display items, were they required to show proof of insurance. Forsberg said that the city could be held liable. Stoddard asked if \$500,000 was enough. Forsberg said this is a judgment as the city also has liability insurance. Councilmember Andersen said that he is opposed to St. Anthony Motors displaying their vehicles on the sidewalk since sidewalks are for pedestrians. Councilmember Powell said that as long as the pedestrians can walk safely past the vehicle that it didn't appear to be a problem. This new ordinance would provide for this type of thing. Fullmer asked why there had not been a purpose and cost statement before we did any more ordinances.

Mayor Rose said that we simply forgot at the time and that when this was pointed out by Fullmer then Mayor Rose said one was immediately made. Fullmer said the ones created were straight from state code with no costs. Fullmer said the purpose was to know up front what the actual costs would be and that this was totally ignored. Forsberg said that he wrote the purpose statement and wasn't sure of the intent of that purpose statement. Stoddard said that we do need to have a purpose and financial cost estimated. Fullmer said it is the responsibility of the person requesting the ordinance change to create the purpose and costs statements. Biorn would like to continue to discuss the proposed ordinances for content and make any changes before we table them for the next meeting. Fullmer would like the three major events to be listed in the ordinance, Fisherman's Breakfast, Pioneer Days and St. Anthony Street Festival. Forsberg wanted to know if council still agreed with the \$500,000 liability insurance. Council thought that was sufficient. Mayor Rose tabled this for next the meeting so that it could be rewritten with the suggested changes.

**Parking Ordinance** – Mayor Rose asked for any comment on the ordinance from council. Councilmember Fullmer said that Councilmember Andersen and his committee have spent a considerable amount of time on this ordinance and have it just about as right as it can be. Councilmember Stoddard asked if there were any suggestions or comments regarding the parking ordinance to see if there was anything they might have missed. Councilmember Biorn asked about the special use permits for vehicles and if it's anything we already have. Attorney Forsberg said special use permits is a Planning & Zoning concept, which allows varying the use of a lot or piece of ground that is already zoned for another use. Fullmer thought that wording could be changed to Special Parking Permit instead of Special Use Permit. Stoddard said that maybe council should consider a public hearing to gain input on this. Biorn thought that it might be a good idea since the last ordinance had a lot of public input. Powell said that council did tell the public that another hearing would be provided for their input. All were in favor of having a public hearing for both the sidewalk and the parking ordinances. Mayor Rose requested Clerk Parkinson to set up the public hearing for the next council meeting at 7:00 p.m.

**INVOICES & CLAIMS** - Payment Approval Reports were presented to Mayor and Council. Councilmember Biorn asked about a bill to the Department of Labor. Clerk Parkinson said it is a bill that requires council approval and not among those listed that can be paid directly by the clerk. A motion to add any invoices from the Department of Labor to the list of bills already pre approved by council was made by Fullmer and seconded by Biorn. All approved. A motion to approve the invoices and claims was made by Councilmember Stoddard and seconded by Councilmember Powell. All council members present approved except for Fullmer who opposed. Motion passed 5-1.

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

Jason Hunter, 205 E 2nd N, asked that council take into consideration future interpretation of the Sidewalk Ordinance. He said that 50 years down the road from now people will interpret the ordinance differently. Also, with the liability insurance would the city write in a waiver? Fullmer said that this is the reason for the purpose and cost statement so that 50 years from now someone will know why they did what they did.

## **MAYOR & COUNCIL REPORTS**

Councilmember Willmore reported on the Airport Board meeting and said that the old ordinance needs to be reviewed as it is outdated and not effective as the board is currently set up. The current ordinance only allows for residents of the city and currently there are board members that are not residents of the city. Willmore said that there is only two hangars at the Airport that belong to city residents and that the rest are owned by residents of the county and he thought that they also need representation. Mayor Rose asked that the board look at reworking the ordinance and review their work with the city attorney. Mayor asked that a draft then be presented to the full council of any requested changes. Councilmember Fullmer asked about the requirements of the number of people on the board and if that is set by ordinance. Attorney Forsberg said that the state statute requires that the city have an ordinance that governs any board the city sets up. The next Airport Board meeting is July 2, 2009.

Councilmember Biorn reported that the Chamber of Commerce canceled their meeting, so no report from them. Biorn said that he can't get anyone to return his calls in regards to attending the next FEAC meeting. Mayor Rose said to contact Susan Baker in Ashton to get information.

Councilmember Andersen reported that our Parks and Recreation Board had questions about the city having the need of a Parks and Recreation Board. There have been two recent incidents that have occurred in the city that should have probably gone through the parks and Recreation Board prior to coming to the City Council for discussion. One was the renaming of a city park and the other regarding the planting of a tree and where it should be planted. Andersen said that the city can do what they want to do, but it should work through the channels they've set up. Andersen said that he has not attended a meeting and will be unable to attend the June meeting since it's the same time as the AIC Conference. The next Parks and Recreation Board meeting is June 17, 2009. Andersen said we have these boards for a reason and when the council makes decisions we need to make sure we include them in the process. Andersen hoped that the committee could come up with a comprehensive plan, so an individual can come to the city and plant a donated tree. Mayor Rose requested that Andersen contact Melissa Hinckley and ask her for a copy of their minutes. Public Works Superintendent Butigan said he thought Toni Crapo is taking the minutes for the Parks and Recreation Board.

Councilmember Powell reported that she missed the other council members at the Annual Fisherman's Breakfast. Mayor Rose said that we need to attend these functions as they occur.

Councilmember Fullmer said that his neighbor, Mr. Mace, had his yard damaged this winter by a snow plow. It was repaired to an extent but Mace is not happy with the repair of his yard. Fullmer said that he thinks that we need to go back and do this again. Mayor Rose said that PWS Butigan had contacted Mace and Mace said it was okay. Butigan said that ICRMP told the city that Mace was satisfied. Fullmer said it's not right and it should be cleaned up. Fullmer said he would do it himself if needed. PWS Butigan said if it should be done, then he needs to be directed to do it. Councilmember Stoddard said he'd want the job done right, too. Attorney Forsberg said this is a small thing, a customer

satisfaction issue, and should be taken care of. Mayor Rose requested that PWS Butigan go back and complete the work.

## DEPARTMENT REPORTS

Clerk Parkinson reported on the Annual Greenway Clean Up being a successful event and provided a thank you that will be going into the monthly newsletter written up by Kyle Babbitt. 150 volunteer hours were given to the city. A \$25 donation was given to the flower fund for the city from the Cloverleaf Rebekah Lodge Number 82. A complaint was received from a citizen regarding the noise from the drag races at the airport. A letter was written to the citizen and copies were given to ICRMP and the Mayor. Parkinson reminded council of the upcoming Work Meeting council will be having next week, Wednesday, June 3, 2009 at 6:30 p.m. with the County Commissioners to discuss county and/or city issues.

PWS Butigan reported that all the parts are in for the sprinkler system going in for the lot next to the city building and the county has provided the city with the funding to do this. The cement will be hauled off from Third Street and then the project will be put on hold until later in June to see how projected revenues are at that time. Councilmember Andersen asked who would be accepting the cement. PWS Butigan reported that Ken Biorn will be accepting what the city will haul off instead of taking it to the landfill.

Chief of Police reported that the graffiti needs to be cleaned up. The Development Company owns the building and wanted to know if there is community service to help in painting over the graffiti. PWS Butigan said he could check into possible community service. Councilmember Fullmer said that the city has to be careful in using community service help as it opens the city up to potential liability and the city can not afford that. Chief also reported on Teton highway having a change in speed limits. The Police Department will issue warnings for a month and the speed trailer will be placed out where the change is to help citizens get used to the new change. Chief will also put information on the change in the monthly newsletter. Chief reported that the Annual Fisherman's Breakfast was well organized and there were no significant incidents. There were some complaints about parking in the Maverick and Texaco parking lots and some vehicles not stopping for pedestrians.

There being no further business to come before the Council the meeting was adjourned at 8:20 p.m. by Mayor Garth Rose.

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Garth Rose, Mayor

Attest:

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Patty Unruh Parkinson, City Clerk-Treasurer