

*CITY OF ST. ANTHONY  
COUNCIL MEETING MINUTES – June 10, 2009 – 7:00 P.M.  
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS*

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

**ABSENT:** Mayor Garth Rose

**ALSO PRESENT:** City Attorney Bill Forsberg, Police Chief Jim Smith, Public Works Superintendent Scott Butigan, City Clerk/Treasurer Patty Parkinson, and approximately 16 interested citizens.

In the absence of Mayor Rose, the meeting was called to order by Council President Andersen at 7:00 p.m.

**PLEDGE ALLEGIANCE TO THE FLAG** was led by Councilmember Bryan Stoddard.

**PUBLIC HEARING - 7:00 p.m. Proposed Sidewalk Access & Parking Amendments Ordinances** - Council President Andersen opened the public hearing and introduced Attorney Forsberg as the moderator. Forsberg described both proposed ordinances and then picked up the sign up sheet for comment. Forsberg also asked for anyone who still wanted to sign the sheet could still do so at this time. The sign up sheet did not have anyone on it and no one from the audience said they wanted to speak on either ordinance. There being no comment from the public Andersen closed the public hearing.

## **GENERAL BUSINESS**

**Connie Gardner – Permission to hold yard sale on city property** – Connie Gardner came before the council to ask if she could hold a garage sale on a city parking lot adjacent to the old JC Penney building next Friday, Saturday and Sunday. Council President Andersen said that there would be a requirement for insurance to cover the city for any possible liability. A motion to allow Gardner to hold a garage sale on the city parking lot adjacent to the old JC Penney building next Friday, Saturday and Sunday provided Gardner has liability insurance was made by Councilmember Stoddard and seconded by Councilmember Powell. All council members were in favor. Andersen asked that Connie Gardner meet with the Clerk to show proof of liability insurance.

**Central School One Ways – Val Hammond** – Council President Andersen requested School Superintendent Val Hammond to describe the map he handed out on the proposal for creating one-way traffic in front of Central School. Hammond spoke about the private entrance into the Hawke's home. Councilmember Biorn asked about the intentions of using Third West and what sort of parking there would be. Hammond said the intent was during school hours the streets would be more user friendly for the people bringing their children to school. Hammond said the parking lots will mainly be used for special events. He didn't believe it would be heavily used during a regular school day. Hammond said there will be a bus lane taking the children right to the entry of the school. There will be six

to seven buses lined up and off the street for loading and unloading. Andersen asked if drainage had been considered. Hammond said that it had and the street will be new asphalt and graded. Councilmember Fullmer asked what the consequences would be if there is a new asphalt drive by the Hawkes' house, being it is in the city right of way. Hammond said another option would be just to educate the patrons to flow traffic in a particular manner. Fullmer said he is not opposed to the one ways. Councilmember Biorn said there was a previous drawing that would make the homeowner go around the block. Hammond said there was also a problem with merging two lanes into one when entering onto Fourth North. Councilmember Willmore said it was a good idea for the safety of the kids. Hammond said they haven't spoke to the new owners of the Hawkes' home. Fullmer asked Attorney Forsberg if there was a problem using the city right of way as a private use and the possibility of setting precedence. Forsberg said he is not worried about setting a precedent with this unique situation and that the city should probably decide what is important, safety of the kids or fiscal responsibility and the city council must make a decision. The underground utilities are a concern. Biorn asked about barricading that lane for a period of time to just try it out to see if this works. Fullmer said that since no one has talked to the owners that someone should do that first. Willmore agreed and asked who would be responsible for the snow removal. Both council members Stoddard and Powell agreed. Chief Smith asked where the kids will be dropped off. Hammond said at the new vestibule in front of the building. Hammond said the biggest concern is the safety of the children darting in between the buses and that's why a bus lane is important. They are also widening the sidewalks. Hammond said they will have a designated pickup and drop off for vehicles. Stoddard wanted to know about the change in traffic now that there will be two schools combined into one. Chief said that there will be the same sort of problems; however the crossing guard will help with the traffic flow. Andersen asked that PWS Butigan speak to the school and the homeowner and then report back to the council regarding what the homeowner wants, as the council is interested in hearing from them. Hammond said that if there is a cost involved that it needs to be talked about. Forsberg said that the property could be conveyed directly to the school district. It can not be conveyed to the homeowner without it being auctioned off to the general public.

**Murri Subdivision Request / P&Z recommendation** – Council President Andersen asked for discussion. Councilmember Fullmer asked if this request obligated the city for services. Attorney Forsberg summarized the application, saying the property is in the county, but in the city's area of impact and does not require the city to extend services. County Planning and Zoning and County Commission will sign off, but wants the city's input to be considered by them. Andersen said our Planning & Zoning recommended this subdivision. A motion to accept the findings, conclusions and recommendation in the matter of an application for approval of a single lot residential subdivision proposed by Timothy and Mauree Murri of 2367 East 400 North, St. Anthony, Idaho was made by Councilmember Biorn and seconded by Councilmember Willmore. All council members were in favor. Clerk Parkinson was instructed to forward this to the County Planning & Zoning Board.

**Realty Quest Offer on Business Park Lot / Judy Hobbs** – Council President Andersen opened the floor to Realtor Judy Hobbs, Realty Quest, who presented the proposal for Lot 22 of the Industrial Park. The lot was priced at \$65,000 and D. J. Barney offered \$60,000

with \$1000 earnest money with additional conditions of asking the city to carry a loan for \$54,000 over 10 years at 4% interest and an additional request for the two year build requirement to be extended to 12 months after five years or 12 months after the park is 50% under construction. Barney's intent is to build a property he would later lease. Barney is also asking for a first right of refusal to lots 21 and 23. Attorney Forsberg said the city can not accept the offer as written as it violates the covenants, conditions and restrictions (CC&Rs). Either the CC&Rs would have to be amended or the city would need the permission of all existing and future lot owners. Forsberg said any time the seller is asked to finance the purchase then they become a lender and, as such, would need to ask for a full set of financials and credit report from the borrower. There would also be costs for any legal action if there was a need to foreclose and those costs may exceed any amounts received. Forsberg suggested this be tabled and assign someone to work with Hobbs to come up with an agreement that would be better received by the city. Councilmember Fullmer stated that the purpose to build within two years was to limit "speculators" from buying up all the properties and then holding it for later resale. Hobbs said that it's a different economic time and things have changed since the Industrial Park was first created and this might still be something the city should reconsider. Fullmer said that maybe the city needs to review all the requirements. Councilmember Stoddard said he was concerned with the existing owners already being subject to the requirements and didn't think changing them would be fair to them. After some discussion regarding the existing lots and those already sold, Andersen asked that Forsberg and Hobbs work together to come up with another possible agreement and this will be tabled until another sales agreement would be offered.

**The Development Company – Sewer Project Introductions of E Center and qualifications of the grant**

– Council President Andersen turned the floor over to Ted Hendricks, Economic & Community Development Manager of The Development Company. Hendricks began by reviewing the wastewater project and EPA award funding. Hendricks handed out a paper regarding the EPA award and said that the city was awarded a grant of not to exceed \$537,000 with a match of 53%. The application was submitted with a city match of \$600,000. This money is earmarked for construction only, no soft costs allowed. The city is anticipating a block grant application that would qualify as match from the city. The block grant requires an income survey of the community to see if the city qualifies. In past years, the legislature has funded grants in about \$500,000. Either grant could be applied to the match. This is a very lengthy process, applying in November and finding out in May or June the following year. Hendricks said the E Center has assisted with these surveys. The survey must be statistically valid and follow a certain set of criteria set by the grant. Councilmember Biorn asked about the costs for such a survey; mail survey versus door-to-door survey. Hendricks said in a mailing, it would be just the cost for postage and they would put together the survey at no other additional cost. However, a mail survey could be very time consuming and there could be many mailings in order to be statistically valid. A door-to-door survey could be done by the E Center at an estimated cost of about \$500 and could be done rather quickly, in about a week or two. Councilmember Stoddard asked when this needs to be completed. Hendricks said he would like the eligibility criteria done by the end of August, and then they will utilize September through November to put the application together. There is a possibility the city won't be awarded the grant, and then the city would need to figure out

how to come up with a match in another way. Attorney Forsberg said that when this came up last year, the former mayor and former clerk tried to figure out how to come up with a match. They estimated that about \$230,000 in fund reserves could be used for this. Hendricks said there may be a possibility to amend the agreement/award to utilize it for match. Andersen said that council needs to decide on the kind of survey. Andersen said a mail survey was done a year ago and it was sparse. He thought it would be better to do a door-to-door survey. Hendricks said that it is an income survey, which would also ask for the number of members in the household and their ethnicity. A motion to begin the process of applying for the block grant by completing an income survey in a door-to-door manner was made by Fullmer and seconded by Councilmember Willmore. All were in favor. The motion was then amended by Fullmer to spend no more than \$2000 on a door-to-door survey and this was seconded by Willmore. All were in favor.

Hendricks then introduced Robert Pothier, Managing Director of the Entrepreneurial Center. Pothier explained what the center does and the kinds of projects they do. They would hire four or five students that would conduct the survey as this is their internship through the university (BYU-Idaho). Amy Stokes was introduced as the Assistant Director. Adam Wicker was introduced as working with economic development. Councilmember Andersen asked how the city would prepare the citizens for this survey. Pothier said that the more information given out to the public, then the better the survey will go. One option would be to put information into the city's monthly newsletter.

**Nolan Vanderlinden – request for reduction in sewer rate** – Council President Andersen asked that Nolan Vanderlinden explain his case. Vanderlinden said his mother's sewer bill is over \$70.00. Vanderlinden says the sewer bill is being set by winter usage and they run their water so their pipes don't freeze, saying that they use more water in the winter than in the other months. He said that he doesn't use the city water for irrigation and so his rate should be set differently. Councilmember Biorn asked to see the bill. Vanderlinden showed him the bill. There was discussion between the council, staff, and Vanderlinden. Attorney Forsberg cautioned council that if, for whatever reason, there will be an adjustment to Vanderlinden's sewer rate, then that adjustment would need to go across the board to all sewer customers. Councilmember Fullmer asked if Vanderlinden would allow the city to come check for leaks. Vanderlinden said that he would. Andersen said that he would investigate this with staff and try to come back to council with a recommendation. Andersen asked Clerk Parkinson to have this on the next agenda.

**Stoney Tucker – PSI Contract Discussion** – Stony Tucker, of PSI, was then given the floor to address the council. Tucker is requesting an increase for sanitation services to the city. Councilmember Fullmer asked if the city raised the rates to the citizens last year for sanitation. The city did not raise rates last year. Tucker said that the city did pay for the miscalculation on the carts. Attorney Forsberg reviewed the contract and how increases can be requested, saying that he can ask for an increase beginning November 1, 2009, effective December 1, 2009. This increase is negotiable. Tucker is asking for a 4% increase now and a 3% increase in December. Councilmember Biorn did say that the Consumer Price Index is unfavorable at this time. After some discussion with council, Tucker said that he would like a 4 ½ % increase beginning in October. Council President Andersen requested that this information be forwarded to the finance committee for their

review and Tucker was asked to send a letter to the clerk of his request.

**Resolution to Establish a Drip List Policy** – Council President Andersen tabled this item until a resolution can be made regarding Vanderlinden’s account, as this may effect how or if the city establishes a drip list policy.

**INVOICES & CLAIMS** - Payment Approval Reports were presented to Council. A motion to approve the invoices and claims was made by Councilmember Biorn and seconded by Councilmember Powell. All council members approved except for Councilmember Fullmer who opposed. Motion passed 5-1.

**MINUTES** - Regular meeting minutes of May 13, 2009 were presented to Council. Corrections were noted and made to the minutes. A motion to approve the regular meeting minutes of May 13, 2009 with the noted corrections was made by Councilmember Stoddard and seconded by Councilmember Willmore. All council members approved.

**PUBLIC COMMENT** – Council President Andersen opened the floor for any comment from the public.

Tassi Winters, 1010 Aspen Drive, asked council about the dirt being hauled to an employee’s residence. She wanted to know if he is paying for the dirt and why it is being dumped. Public Works Superintendent Butigan said that this is cement being hauled from opening up Third Street and the dirt has a quality that is more sand and waste, not useful for anything other than taking to the landfill. The employee volunteered to take the waste to fill in a hole at his property and this is saving the city fuel costs as it is not being hauled out to the landfill. Butigan said that if there are other people that would like the waste they are welcome to ask for it. Winters would like to have some of the dirt. Butigan said that the quality of it was more sand than dirt. Winters also wanted to know if there is an ordinance regarding fire pits. Chief Smith said that it is okay to have a fire pit in your back yard. Winters said that she walks past the Skate Park on a regular basis and complains that there are a lot of filthy mouthed kids and older kids pushing smaller kids down and asked if there could be more police patrol. Chief said they will try and patrol more frequently. Councilmember Fullmer said that if there is a problem at the Skate Park she should contact the police department and they would send someone over there. Winters also asked if there was a life guard at the Sand Bar. Clerk Parkinson said that there is a Swim Monitor but he will not begin his duties until next week. Council President Andersen did suggest that if she will be burning leaves or other materials in her back yard that it would be a good idea to notify the fire department so they were aware in case the neighbors call in about it.

## **MAYOR & COUNCIL REPORTS**

Councilmember Willmore reported on the progress being made at the airport. County did call and they asked what was needed and the county will be spraying the weeds on the runway, hangars and around the lights. He is also working on a letter to send to the commissioners to ask for funding and help on some of the airport projects. PWS Butigan is working on getting prices on crack sealing the runway. Butigan said it would be about \$1300 a pallet and it would need about two pallets. Willmore also said the board is

continuing to review the airport ordinance for possible amendments. Attorney Forsberg said he would review whatever they come up with.

Councilmember Stoddard said he was approached by a member of the Upper Valley Youth Association (UVYA) asking about the weekend of the 25<sup>th</sup>, 26<sup>th</sup> and 27<sup>th</sup>. They will have about 4,000 to 6,000 people in town for a baseball tournament. They would like to have a bigger dumpster or more carts to handle the garbage and more portable potties. Council President Andersen asked PWS Butigan to contact them and see what they need to try and accommodate them. PWS Butigan said that we need to start looking at the budget next year and add into it these extra requests for some of these events, like Fisherman's Breakfast. Councilmember Fullmer would like to add this to the agenda to see if we should be paying for extras, like portable potties.

Councilmember Fullmer said that PWS Butigan went down to fix Mace's yard and everyone is happier and appreciates that this was taken care of.

## **DEPARTMENT REPORTS**

Clerk Parkinson reported that the Finance Committee met and budget work sheets have gone out to the department heads for them to begin work on next year's budget. The Finance Committee will be meeting on a regular basis until the budget is ready for the budget hearing. Parkinson reported that the Idaho Department of Labor contacted the city and has a Summer Youth Employment Program that will provide the city with a youth from St. Anthony to work for the city. This program is paid through the Idaho Department of Labor and a youth was chosen, K.C. Meiners, who will work for the city for the next eight weeks. PWS Butigan will support the program by providing supervision and training of life long skills for that youth. Butigan said there will plenty of things for him to do this summer. Parkinson reported that beginning July 1, 2009, there is new legislation regarding the changes in open meeting laws. On Tuesday, June 30, 2009 at 3 p.m., there will be a free online training session provided by ICRMP. Parkinson recommended all council members attend to learn the new changes. Parkinson also reported on receiving an invitation to an open house at the Ashton Living Center. She made a copy for every council member as each was invited. Finally, Parkinson reported that the papers are ready to be signed for the East Main ARRA project. Paul Scoresby, of Schiess & Associates will be bringing them by for the Mayor's signature.

Attorney Forsberg said the sidewalk and parking ordinance will be added to the agenda for the next meeting. He requested that everyone read the ordinances and be prepared to review and if there are any additions or changes to bring that to his attention so he can include those items. Councilmember Biorn asked if the purpose and costs statements he prepared met the requirements set by council. Councilmember Fullmer thought that those are important, so that in the future, people could review why the council did what they did. Council President Andersen suggested that if there was anything that needed to be changed on any of the cost and purpose statements they should let council know.

PWS Butigan said that the work on the lot next to the city building is being done. The lot needs to dry out some before they can start to put in the sprinkler system. Bob Bauer provided a concept drawing of what they have planned for that area and will turn those

drawings over for the Parks & Rec. Committee for their review. We can make improvements to that property as the city has an encroachment permit from the state and as long as it doesn't impede their line of site then they are okay with any improvements. Grass and some trees will be placed into the area until it's been decided what might go there. Butigan said he will work with the Chamber of Commerce to see if they have any possible grant money to assist. Butigan reported that some of the drains for the rain water run off are not adequate and will need to be looked at in the future. Councilmember Willmore asked about the leafy spurge by the ball fields and who is supposed to take care of it. Butigan said that it's not on city property but on Wadsworth property. The county can spray with permission from the land owner. Butigan was asked to contact the county for help with spraying.

Chief Smith reported that the Explorer Program will not be run this year due to lack of interest. He also reported that there are many campers on the street right of ways and the police department is currently giving warnings to citizens to move them, due to the current parking ordinance under review. Chief wanted to know if council had any other guidance or recommendations from the council on that issue. Councilmember Biorn reported on a recent event in his neighborhood that really made him aware of what a safety issue this is, especially when children are playing and are running between the vehicles and campers. Councilmember Fullmer asked how the new ordinance was different. The new ordinance would allow a camper to sit for 48 hours if unoccupied and five days if occupied. The old ordinance says a camper can't ever sit on the streets. Fullmer wanted to know if we should enforce the old ordinance or wait until the new ordinance. Biorn said that it is a real safety issue and we should be enforcing it. Fullmer said that the Police Department should continue to issue warnings until the new ordinance is passed. Council President Andersen asked the Chief to continue to use his discretion. Chief said backyard fires do have some EPA requirements and do prohibit certain items from being burned. Also, our ordinance needs to reflect certain requirements regarding quantity guidelines. Chief also asked Council if there were any budget requirements that he should be considering. Councilmember Stoddard said that some revenues are up and some down and so it may be a wash.

PWS Butigan said work should begin on the Safe Route to School as soon as it begins to dry up.

There being no further business to come before the Council the meeting was adjourned at 9:49 p.m. by Council President Andersen.

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Garth Rose, Mayor

Attest:

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Patty Unruh Parkinson, City Clerk-Treasurer