

*CITY OF ST. ANTHONY
COUNCIL MEETING MINUTES – July 22, 2009 – 7:00 P.M.
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS*

PRESENT: Mayor Garth Rose, Councilmembers Bryant Biorn, Bryan Fullmer, Elva Powell, Woody Andersen, Bryan Stoddard 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 10 interested citizens.

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

PLEDGE ALLEGIANCE TO THE FLAG was led by Gideon Rhea.

GENERAL BUSINESS

The Development Company/Engineering Procurement for STAG Grant – Ted Hendricks was not present so this item was tabled.

PUBLIC COMMENT – Mayor opened the floor for public comment. There being no comments, Mayor closed the floor.

Safe Route to School Report – Mayor asked that Public Works Superintended Scott Butigan and Attorney Bill Forsberg report on their meeting with Paul Scoresby, Schiess & Associates. PWS Butigan reported they had a committee meeting where they met with Scoresby, Citizen Gary Bidwell, Mayor Rose and Councilmember Woody Andersen. They discussed an alternative pathway that would go on the south side of the road with a crossing at Remington Avenue. In that committee they made the decision to resubmit to the state on the south side of the street. Later, in staff meeting, safety was discussed, with students crossing the street. Staff thought it should go back to the north side of the street, based on the speeds that people travel on that road. If the state approves the south side of the road the city could choose which side of the street to place it on. Attorney Forsberg said there are not two alternatives and the contractor is on a 14 day hold that expires on Monday next week. Forsberg said the committee can not make the decision on this. In order for the committee to make a decision there should have been a resolution and a vote done at the last meeting. Currently there is only one option and there won't be another option in time for the contractor's expiration date. Forsberg spoke with Scoresby and discussed his concern of children crossing the highway a second time and to make it safe it would require a crossing guard at that crossing as well. Forsberg said based upon his experience as an attorney, people go faster, even though it's marked the same speed. This is where he sees half the speeding tickets. There are more speeding tickets issued on this stretch of roadway. Forsberg said there are not two options. There is one approved route and one contract approved. The only options are to say yes they will approve the work to be done or not and if not then to put the work on hold. Councilmember Fullmer said there was discussion of a compromise that Councilmember Andersen proposed and asked if that was a no go with the citizens. Butigan didn't think that Bidwell had been in contact with 100 % of the property owners per Andersen's suggestion. Butigan said if it was moved per Andersen's suggestion it would require more fill, as the path would need to be at the crown of the road. The city is only

allowed 25% over on the material amount if they go that route. Fullmer asked when the grant application was originally submitted. Forsberg thought that it was last August. Butigan thought that it was the last part of 2007. Fullmer said this came up prior to many of the councilmembers being on council. Fullmer said there is very little public participation during the process and then a week before the project is started the city gets participation. Fullmer said he thinks the city is obligated to do the project as currently bid. Fullmer said that there are agendas and newspaper articles and they just can't notify everyone. Forsberg said that all property owners did receive a letter last fall. Two of the property owners told him that everyone knew about it and those two seemed fine with it and didn't understand the ruckus about it. A motion to continue with the project as designed was made by Fullmer. Councilmember Stoddard asked if the width of the path was ever discussed. Butigan said Idaho Transportation Department guidelines provide for a ten (10) foot wide path. With exceptions, they'll consider an eight foot path. However, right now, the city must do the bid as is, with a 10 foot path, as required by the grantor. Councilmember Andersen said originally that path was to be 12 feet wide, but was reduced to 10 feet in order to reduce the costs so that we could bid it out under the \$100,000 grant maximum. Councilmember Biorn seconded Fullmer's motion. All councilmembers approved except for Andersen who was opposed. Motion passed by 5 to 1. Fullmer encouraged the public to go to our web site to see agendas.

Sandbar Safety Committee Report – Mayor Rose asked Chief Smith to read the written report given to council. Councilmember Biorn asked for additional explanation of the roped area. Smith said there would be a weighted tie and this would extend the roped off area beyond the diving board. PWS Butigan said it would be buoyed off to separate the swim area from the dam area. The buoyed lines would be pulled in the fall and placed back in the summer when flows allow. Councilmember Andersen asked for additional time to think about the proposal and to review each one. Councilmember Stoddard would like to do this as a council and go to the park. Andersen said that each council member can do that individually. Councilmember Fullmer said there isn't a resolution in front of them and recommends that department heads and the mayor prepare a resolution for council. Attorney Forsberg said that any and/or all of these changes can be done without council authority and the city doesn't need to wait for council to act. Forsberg suggested that some of these are non controversial and inexpensive to implement, i.e. signage. Biorn said that recommendations for life jackets and public throw bags are not feasible since the items would be stolen. Biorn suggested that the sign include that life jackets be recommended. Andersen agreed and said that the line that would be suspended from the bridge would be too much of an attraction to swimmers and that could be a hazard. Fullmer said that there are people that float at night and we don't want them to be running into it. Andersen said he is against the line coming down the middle of the river. Biorn said that there are signs that say don't play on the buoys and there are kids on the buoys. They just use the buoy line as a half way point. Stoddard asked if creating a sign that has water levels on it would then make it more of a liability issue. Forsberg said that as long as we are trying to keep it safe that it shouldn't increase the city's liability. Forsberg also reminded council that many of the drownings that occur happen at low water levels and that creating a sign that discusses water level isn't a cure all. Councilmember Willmore said signs should be placed in English and Spanish. Fullmer said he feels comfortable with Andersen's knowledge regarding the river and dam. All members agreed with the items discussed on the report and to add Spanish to the signage and to eliminate the buoy system that would hang down from the bridge and the throw ropes and life jackets. Mayor Rose instructed PWS Butigan and Chief Smith to make the changes and to get the signs

put up and to implement the suggestions from the Sandbar Park Safety Committee with the changes from the council as discussed earlier. Mayor Rose thanked the committee for their work.

Code Enforcement Officer Duties – Chief Smith said that there is a gap with the enforcement issues in code saying that it isn't really a police function but that it is dependant on how the city chooses to enforce it. Smith said that Idaho Statue indicates we can do it either by misdemeanor, fraction or civilly. Currently we have a building inspector through the county that only looks at new buildings but there is a whole host of other items that require another inspector or enforcement officer to be able to enforce things like weeds and issues in allies. Currently the code enforcement officer can not issue a citation but can issue violation letters. Chief would like council's approval to fill the gap on enforcing code violations civilly in the zoning area. Councilmember Stoddard asked about how many violations are there. Chief said there are quite a few, about 55. PWS Butigan asked if the city is concerned about the number of complaints received from city residents or actual citable problems. Stoddard said he wanted to know about actual citable issues not complaints. Butigan said there are many vacant lots not mowed with weeds, yards not mowed, items being dumped in alleyways that then create blockage. Butigan said the homeowner is responsible for the upkeep of the alleyways along with curb gutter and sidewalks. Councilmember Fullmer said this is an issue about job duties. In the past Fullmer said that the police would deliver a letter if asked to from the city. Fullmer said it is a little more effective to have a police officer deliver a letter and a police officer is better trained in case of any safety issues. Councilmember Powell agreed and said that the city is being nit picky about lawns. Fullmer said type of violation is not on the agenda and the council needs to clarify the duties that the code enforcement officer should be doing. A motion to table this item was made by Fullmer and seconded by Stoddard. All council members were in favor.

Declaration of 2003 Dodge Intrepid (P506) as Surplus – Chief Smith reported that the book value of the 2003 Dodge Intrepid is \$2525 in fair condition. Chief thought it was leaning towards poor condition, as it loses power and the electrical system won't maintain a charge. The city has been unable to find a mechanic that can fix it. The city has spent over \$2000 on the car in repairs this year and it's still not fixed. Chief said a minimum bid of \$1500 would be where he would start the bidding at. A motion to declare the 2003 Dodge Intrepid as surplus with a starting bid of \$1000 was made by Councilmember Andersen and seconded by Councilmember Fullmer. All councilmembers were in favor. Motion passed. Fullmer said that maybe the Parks and Rec. Committee could auction it off. Mayor Rose asked Chief to coordinate with Melissa Hinckley along with the recovered bicycles.

Mayor Rose adjourned the meeting for a five minute break.

After the break, Mayor Rose called the meeting back into session.

A motion to move into executive session pursuant to provisions of Idaho Code 67-2345, subsection 1 (b) was made by Councilmember Biorn and seconded by Councilmember Fullmer. Role call vote: Councilmembers Fullmer, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes; and Willmore, yes.

A member of the audience, Joyce Edlefsen, reminded council that this item is not on the

agenda and as such that business can not be conducted. Attorney Forsberg said that it does have to be on the agenda, however, under the new law this can be corrected. If there is good cause and if a majority of the council wishes to add by motion this item to the agenda it can be corrected.

A motion to add an executive session to the agenda, as the lack of one would otherwise delay business that needs to be taken tonight, was made by Councilmember Biorn and seconded by Councilmember Powell. Role call vote: Councilmembers Fullmer, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes; and Willmore yes.

A motion to move into executive session pursuant to provisions of Idaho Code 67-2345, subsection 1 (b) was made by Councilmember Biorn and seconded by Councilmember Fullmer. Role call vote: Councilmembers Fullmer, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes; and Willmore, yes.

The room was cleared for the executive session.

A motion to leave executive session was made by Councilmember Biorn and seconded by Councilmember Willmore. Role call vote: Councilmembers Fullmer, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes; and Willmore, yes.

Mayor Rose reported no decisions were made in executive session.

2010 Fiscal Year Proposed Budget – Councilmember Fullmer said that in the last audit there were certain line items that showed a deficit. The deficits carry over into the beginning balances of the next fiscal year. Councilmember Stoddard said there are a few items that will roll over. Fullmer asked about the match amounts we have. West Main has a \$190,000 match and the city has sent the state \$10,000, which could be considered part of the match amount needed. The West Main Project begins in 2012. The Finance Committee is proposing two budget years to obtain that match money. There was discussion on what grants need matches and the different ways to come up with the match amounts. Councilmember Fullmer reminded council that when this project was first brought to the council's attention he questioned where the match monies would come from. Fullmer said that since then there will now be some major cutbacks for employees and jobs are now going to be lost due to the need to come up with match money. Councilmember Biorn said we also have an additional match required for the Phase III Sewer Project of \$600,000. Ted Hendricks was supposed to report on the consideration of another grant of \$500,000 that would be used for that match, but unfortunately Hendricks failed to appear tonight. Fullmer asked if the city can cut back on the scope of the grants in order to reduce the match amounts. The Wastewater Phase III Project is the only grant that can be trimmed back. Fullmer was opposed to spending any money on a match for such a short section of a street. Andersen said the grant has already been approved and the city is required to follow the grant as directed. Stoddard said that it boils down to whether or not the city wants to make the street improvements. Fullmer commented that the East Main Project wasn't supposed to cost the city a dime and now the city is replacing sewer lines so the street can be completed. Mayor Rose said that the sewer lines have been something budgeted for in the past, but have always been foregone due to constraints on the budget. The sewer lines need to be done, whether or not the street is improved, but it makes sense to do them before the street gets done, so as to not rip the new street up to replace old sewer lines. Andersen said that a water and

sewer study was done that planned for repairing the sewer lines. The city is following that plan. Four budget proposals were presented to council for their review and consideration. A motion to accept Option Four Budget Proposal was made by Councilmember Andersen and seconded by Councilmember Powell. All council members were in favor except Fullmer who was opposed. Motion passed 5-1. A motion to reschedule the Public Budget Hearing from August 12, 2009 to August 26, 2009 was made by Andersen and seconded by Fullmer. All council members were in favor. Motion passed 6-0. A motion to amend Option Four to leave in the part time city attorney assistant was made by Biorn and seconded by Fullmer. All council members were in favor. Motion passed 6-0. Fullmer asked when the deadline was for the department heads to make their cuts. Mayor Rose said that department heads will have to make their changes before fiscal year October 1, 2009.

INVOICES & CLAIMS - Payment Approval Reports were presented to Mayor and Council. A motion to approve the invoices and claims for payment was made by Councilmember Fullmer and seconded by Councilmember Biorn. All council members were in favor.

MINUTES - Regular Meeting Minutes of June 24, 2009 were presented to Mayor and Council. A motion to accept the Regular Meeting Minutes of June 24, 2009 was made by Councilmember Fullmer and seconded by Councilmember Powell. All council members were in favor.

MAYOR & COUNCIL REPORTS

Councilmember Biorn said the Chamber of Commerce has concerns that the construction on Bridge Street will interfere with the Summer Festival. If construction will interfere, PWS Butigan recommends that they use the parking lot behind the Roxy Theater for their booths. However, at this time there hasn't been a date set to begin construction.

Councilmember Andersen said the Finance Committee spent a lot of time working on this budget and he doesn't like it. He feels the city is family and it "bites" but he doesn't have an alternative.

Councilmember Powell said she agrees with Andersen and that the Finance Committee did a good job.

Councilmember Fullmer thanked the Finance Committee and everyone else that showed up to work. They did a really hard thing. He voted against it since he would like to see the city have a plan to where the funding will go and would like it spelled out. He said that people need to know what we are going to do with the money that will be saved. Mayor Rose said this is a more detailed study of the budget since he can remember. Stoddard said there is a plan and he feels like it just hasn't been conveyed well enough to Fullmer. Fullmer would like to see that there is a way to try and explain why the city council made the choice they did and to be able to clearly explain that to the public. Stoddard explained that their original intention was to make the presentation and then schedule a work meeting. Stoddard said they will prepare a written plan and present that to council at the next meeting.

DEPARTMENT REPORTS

Clerk Parkinson reported on a letter from a citizen wanting a community pool. Parkinson also reported that Forsgren and Associates, an engineering firm, came to the city and proposed a plan to begin repair of the streets. Forsgren has implemented these plans in other cities and have methodically repaired one street at a time. Forsgren indicated that they would be happy to come to a council or work meeting to show their proposals and to provide the city with their own proposal. Parkinson asked that the Mayor let her know if this is something the council would like to see and she would contact Forsgren to meet with the city.

Attorney Forsberg said that it was an amazing thing that happened with the budget and felt that the Finance Committee did a lot of work, right or wrong, but it was a great process. Mayor Rose also said he was proud of the Finance Committee. Forsberg said to keep in mind it's a budget and it can be changed.

PWS Butigan said the sewers on the East Main Project need to be done and the city will be addressing the homeowners and see if they can pay for their service line to the property. If necessary the city may provide payment arrangements to assist the homeowners. The city has just received their tentative permit for the sewer ponds and a meeting has been set up for public review. A meeting is set for next Tuesday to review any changes that may require the city to do any additional testing. One of the requirements is for a composite sample that may require the city to purchase a machine to do the testing. This may cost approximately \$6000. The Pioneer Day Parade route has been determined and crews will sweep the streets and everything should be ready Saturday. The empty lot next to the city building will be roped off to prevent cars from parking on the sprinkler system. The crews are still working on the Third Street Through Project.

Councilmember Biorn reported that the bids for Bridge Street were opened yesterday and he said he will contact ITD (Idaho Transportation Department) to see when work will start. PWS Butigan said that originally their completion date was set for August and so the city never considered that the roads would be ripped up during the Street Festival, which now they may or may not be. Alternative plans are available for the Street Festival booths just in case.

Mayor Rose said he would contact the county commissioners and talk to them about our upcoming possible budget concerns.

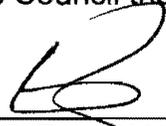
Councilmember Willmore said that he contacted the county commissioners and a check for \$3000 to help with the crack sealing for the airport will be sent to the city soon.

Chief Smith said the D.A.R.E. Program has been cut from the School District's budget so that won't be done by the police department next fiscal year. The police department is getting new P25 700 mega hertz radios (which are the national recommendations). It will take about a year to get the system working properly. Chief reported that he has spoken with a representative from AT&T in regards to the use of the tower to add a repeater so

that the new 700 mega hertz radios will work within the city limits. A repeater is important to our department and the county and it will be necessary to find grants to assist in the purchase of a repeater.

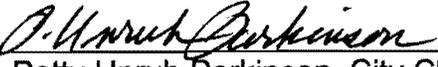
Mayor Rose thanked Chief Smith for being on the Sandbar Park Safety Committee. Mayor Rose also thanked the Finance Committee.

There being no further business to come before the Council the meeting was adjourned at 9:30 p.m. by Mayor Rose.



Garth Rose, Mayor

Attest:



Patty Unruh Parkinson, City Clerk-Treasurer