

*CITY OF ST. ANTHONY
COUNCIL MEETING MINUTES – September 9, 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, Woody Andersen, Bryan Stoddard and Rod Willmore.

ABSENT: Elva Powell

ALSO PRESENT: City Attorney Bill Forsberg, Public Works Superintendent Scott Butigan, City Clerk/Treasurer Patty Parkinson, and approximately seven interested citizens.

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

PLEDGE ALLEGIANCE TO THE FLAG was led by Don Oram.

PUBLIC COMMENT

Mayor Rose began the meeting by opening the floor to public comment.

Karen Valenta, 470 East 4th North, said she has the beginnings of an organization to raise the funds that are needed to continue the flower program through a pledge system. She said she has pledges of \$4000. The Chamber of Commerce has asked her to come to their next meeting. She said that the money she is raising will allow her to continue the flowers for the next year. She said she is speaking as a horticulturist and to allow the beds to fall apart would ruin the flowers and the reputation that these flowers have built over the last 30 years. Valenta asked that council consider creating a flower fund and keeping the laid off employees on as city employees. Valenta said if that didn't work she thought that perhaps they could work through the Chamber of Commerce and then become employees of the Chamber of Commerce. Councilmember Andersen asked when, in previous years, the flower order was placed. Valenta said the seed order is placed in January and then planted in March in flats. Councilmember Fullmer asked for clarification from the council that the Parks & Rec Committee would be working this out and what is that status. Mayor Rose said that until council decided differently Parks & Rec wouldn't be involved unless first a proposal is presented to council for them to make a decision on. Melissa Hinckley, Parks Chairperson, was told that the city would continue to water where the water was in as a drip system and that was the only commitment the city has made. Valenta said that the pledge money being pledge is for the city to continue the program as is and not as volunteer system or as an "Adopt a Plot" program. Councilmember Biorn asked what the target is for the money. Valenta said about \$17,000. She thinks it can be done for less than that at about \$15,000 or \$16,000. Valenta said she would also like to continue to use the city truck. Mayor Rose told Valenta to continue as she is and when she has a plan prepared to bring it to council for their consideration.

GENERAL BUSINESS

Set public hearing for 2009 Budget Amendments, September 23, 2009 – A motion to set a public hearing for the 2009 Budget Amendments was made by Councilmember Stoddard and seconded by Councilmember Fullmer. All council members present approved.

Ordinance Establishing Poll Hours - requires council motion – A motion to add to the agenda an ordinance establishing poll hours, as the lack of one would otherwise delay business that needs to be taken tonight, was made by Councilmember Fullmer and seconded by Councilmember Willmore. All council members present approved. Attorney Forsberg said that state law requires an ordinance and the clerk couldn't find one in our codes. In order to have a legal election council needs to pass this ordinance. Councilmember Stoddard asked for a purpose and cost statement, which wasn't provided. Clerk Parkinson reported that there would be a cost for publishing of around \$100. A motion to suspend the reading of the ordinance establishing poll hours on three different days and be read by title only was made by Councilmember Biorn and seconded by Councilmember Stoddard. A roll call vote was done with councilmembers Fullmer, yes; Andersen, yes; Biorn, yes; Stoddard, yes; and Willmore, yes. Motion carried 5-0. Biorn read the ordinance. A motion to adopt the ordinance establishing poll hours was made by Biorn and seconded by Andersen. A roll call vote was done with councilmembers Fullmer, yes; Andersen, yes; Biorn, yes; Stoddard, yes; and Willmore, yes. Motion carried 5-0.

Airport Surplus Property Rotating Beacon and VASI Lights – requires council motion – A motion to add to the agenda declaring airport property as surplus, as the lack of one would otherwise delay business that needs to be taken tonight, was made by Councilmember Fullmer and seconded by Councilmember Willmore. All council members present approved. Fullmer asked if there was anything else to surplus. A motion to surplus the following airport property, a rotating beacon and VASI lights was made by Willmore and seconded by Fullmer. All councilmembers present were in favor. Willmore said it is priced at \$2000.

FOP request to Lease Search & Rescue Building – Bart Quayle – Joe Powell came to speak on behalf of the FOP and asked if the FOP could use the building. They want to use the upper meeting room only, not the garage. Mayor Rose said the city needs the garage for storage. Councilmember Stoddard said that the Search & Rescue still need the building for a year. Stoddard recommends that someone talk to them to make sure they are moved out before we lease any part of the building. Councilmember Fullmer said that the city needs to figure out how much it is costing to heat and maintain it. Public Works Superintendent Butigan said that it wouldn't cost anything to heat as the water could be shut off. Fullmer would like more information on how much Search & Rescue pay and how much the city pays. Mayor Rose said that the city pays for all the utilities. Councilmember Andersen suggests that as soon as Search & Rescue knows what they are doing the council will entertain a lease agreement with the FOP. Stoddard said that the former Mayor offered up money of up to \$25,000 to the Search & Rescue to help them build a new building and the council needs to keep that in mind. Council instructed Powell to check back once Search & Rescue determines what their needs are.

Planning & Zoning Variance Requests – Birch & Pocock – Mayor Rose started with

the Birch Variance, a request to build a shed closer to property lines than allowed by city code. The Planning and Zoning Board recommends approval of the variance based upon the findings of fact and conclusions of law. A motion to accept the recommendation of the Planning and Zoning Board on the Birch variance was made by Councilmember Andersen and seconded by Councilmember Biorn. All councilmembers present approved. Motion carried 5-0. Mayor Rose introduced the Pocock Variance. A request to build an open red wood front porch with a roof closer to property lines than allowed by city code. The Planning and Zoning Board recommends approval of the variance based upon the findings of fact and conclusions of law. A motion to accept the recommendation of the Planning and Zoning Board on the Pocock variance was made by Biorn and seconded by Andersen. All councilmembers present approved. Motion carried 5-0.

Loader Discussion – Mayor Rose turned the floor over to PWS Butigan. Butigan said that a loader purchase was discussed last year and now part of it is now in the 2010 budget and funds would start to be allocated for the purchase of equipment. Butigan said the Fiat Loader is a 1990 and is costing the city in repairs. Currently it has a \$12,000 value and if it breaks down completely it will be worth nothing. Butigan said he feels like he has the funding to purchase a new loader in this fiscal year. Butigan said that one employee, Bob Bauer, will retire in April and instead of hiring for a full time position they would utilize a part time position as needed. This would save on benefits. Butigan's plan is to dedicate one person one day a week to the streets. If they need bigger crews then they will all get together to complete the job. Winter will be more difficult. He said at the current budget allocation it will take eight to ten years to purchase a loader. Last year the price of loaders went up five percent. Butigan said one option would be to borrow money from the water reserve and pay it back with interest at two percent. Currently our reserves are earning .85% interest. He said Case New Holland's interest rate is 5.9% and this would be a piggy back with the state bid at \$105,000. Councilmember Biorn asked about a warranty. Butigan thought it is a five year warranty. Some of the other funding options Butigan presented on paper which he handed out to council and reviewed each. Butigan said he felt like he found a way to pay for a new loader, even if funding revenues fall short, there would still be enough there to pay for the loader. Councilmember Willmore asked how much has been spent on repairs for the Fiat. Butigan said the Fiat had about \$1,500 in repairs this year. Willmore said his concern is what citizens would think after cutting the flowers if the city buys a new loader. Willmore doesn't see the prices of equipment going up much in the next year. Butigan said that the flower budget was reallocated to streets. Councilmember Fullmer said that the Finance Committee made a five year plan and already we are discussing changing the plan. Fullmer said that we owe the plan a chance and maybe we need to look at purchasing less expensive used equipment. Councilmember Stoddard agreed with Willmore. Councilmember Andersen said that a certain amount of money has been set aside for equipment purchase. Andersen didn't see any difference to start spending the money now or to accumulate the money for a later purchase, whether we borrow from ourselves or from a bank. Andersen didn't think buying used equipment was wise as we get such a discount on new. He said it would be smart to borrow the money from ourselves and to purchase the loader. Fullmer said if the piggy back doesn't go out until April then there is time to think about it. Butigan said the new bids go out in April and they don't know if the price will go up or not. Andersen said council needs to see the window of opportunity so they know how much time they have to think about it. Biorn said he sees how the numbers come together and he doesn't see how it affects the budget. Biorn asked, public perception aside, is it better to wait or to get the loader now and have the fund draw extra money. Fullmer said in regards to wages,

when Officer Powell quit, his wages were set up to pay for cars. Fullmer said that lasted one time. He said we need to be real careful when obligating salaries from the past to a future project. He said we shouldn't obligate something we can't be sure about. Biorn said he doesn't see it changing the budget plan as we are budgeting \$15,000 per year and it can be budgeted over the next five years for \$15,000 for future purchases.

Councilmember Stoddard is concerned that the state of Idaho will be down in revenues this next year. Stoddard suggested a lease to buy program. Butigan said that they will do three thousand dollars per month for six month with a lease option and then that goes toward the purchase price. Attorney Forsberg explained that with a municipality lease procedure there are difficulties associated with leasing equipment and didn't feel that this was the answer for a loader. He explained that it is difficult to obligate city funds for certain types of purchases and it's difficult for a city to lease or borrow money for any kind of purchase. Andersen said that he doesn't want to wait until April or March and this needs to be tabled for more information from Butigan on the date of the closing of the purchase at the \$105,000 price so that a decision can be made. Mayor Rose asked for a motion to table. A motion to table this discussion until PWS Butigan can provide more information on the closing date of the price was made by Anderson and seconded by Biorn. All council members present approved. Motion passed 5-0.

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. Councilmember Willmore asked if it was necessary to have a phone in the shop. Mayor Rose said he would bring this up in staff and maybe pull that phone out if everyone is now using their cell phones. Willmore seconded the motion. Councilmember Stoddard asked if the bills from the Fire Department in the general fund are something the city is obligated to pay. There was a review of the agreement from Attorney Forsberg and Clerk Parkinson and a short discussion followed. Mayor Rose said that after January the new council and Mayor need to sit with the Fire Department and negotiate an updated contract. Councilmember Fullmer suggested that this discussion should be a future agenda item. Mayor Rose said there is a motion to pay the invoices. All council members present were in favor of paying the invoices and claims. Motion passed 5-0.

MINUTES - Regular Meeting Minutes of August 12, 2009 were presented to Mayor and Council. A motion to accept the Regular Meeting Minutes of August 12, 2009 was made by Councilmember Willmore and seconded by Councilmember Stoddard. All council members present were in favor, 5-0.

MAYOR, COUNCIL and DEPARTMENT REPORTS

Councilmember Willmore reported that the worse part of the crack sealing to the airport runway is done. They got two thirds of it finished and then ran out of materials. PWS Butigan said that the Airport should start looking for grants to seal coat. The Fly In is scheduled for Saturday. Willmore said Airport Manager Jerry Cain is getting phone calls from Wyoming and Montana and they are expecting a good turn out. Willmore suggested that after this year it should be a fund raiser. Some of the organizations involved where The Chamber of Commerce, the Police Department, the Fire Department and the National Guard. The Fly In goes from 9 a.m. to 1 p.m. on Saturday, September 12, 2009. October 1, 2009 is the next Airport Board meeting and Willmore is requesting the city attorney to attend. The board will be reviewing the lease agreement and the ordinance. They also

have a person wanting to build a 100 x 100 hangar.

Councilmember Stoddard said he's received a report the dog pound has not been kept up to the standards expected. Stoddard went down tonight and it looked perfectly clean and there were no issues. Stoddard said he will talk to the Chief when he returns to see what his plan is for the animal shelter. Stoddard also authorized the Chief to spend \$800 to get Tazers. This purchase was approved by Mayor Rose and Stoddard.

Councilmember Andersen said that he called the city of Ashton and talked to them about their flowers. They budget money through the city and the flowers are cared for by clubs, churches and volunteer organizations. They are watered by an automatic watering system. They budget \$2,000 for flowers. Andersen also called Rexburg and didn't get a return call back from them. If they go with Valenta's program there may be a liability issue with them using city equipment if they are not city employees. Attorney Forsberg said that if a group came forward to provide the necessary funds for the flower program, the council can examine that request and may reopen the budget to accept those gift funds.

Councilmember Fullmer said that PWS Butigan and his crew are doing a good job.

Clerk Parkinson said that the Request for Proposal (RFP) for Engineering Services for the Wastewater Phase III Project needs to go out. Parkinson wanted to confirm the RFP scoring numbers before publishing.

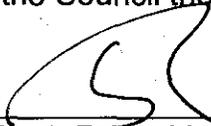
Attorney Forsberg said that the Planning & Zoning Committee is having a public hearing on the change in set backs and lot sizes to the ordinance at their October 7, 2009 meeting. There seems to be a lot of confusion about what is required to build or remodel something in the city of St. Anthony. There are two permits that are required by ordinance, a zoning permit is required for anything and then depending on what is being done then the county provides a building permit. Staff discussed this in their meeting and there will be something placed in the newsletter and a nice plaque will be given to the county that says a person needs a zoning permit from the city prior to getting a building permit from the county. Forsberg's concern is there is a zoning permit required for everything and he thought that seemed too much if you are not changing the original usage or expanding a building. Forsberg said this is something that needs to be changed. Forsberg said he may be proposing a change in the ordinance. Councilmember Fullmer said he needs a clarification of discussing items not on the agenda. Forsberg said to some point it may be fairly discussed and at other times it may require that there be prior notice to the public, especially if it is a policy matter. Fullmer asked if he can volunteer time to the city. Forsberg said yes he could, but then the City may be obligated for workman's comp.

Councilmember Biorn said it has been difficult for him to attend the Chamber of Commerce meetings. Biorn reported that at some point in time the sign south of town advertising the City of St. Anthony now has an advertisement on it from a business. Biorn doesn't know if that is a privately owned sign or not. Biorn said that the comments he made at the joint Commissioner/Council meeting regarding the Fire Department buying beer was not appropriate and that he has personally apologized to Mr. Rich Hansen and Mr. Dave Faucet for making such a comment and he asked that they extend that apology

to the Fire Department. Biorn also apologized to the city council for making such a huge mess. Biorn then requested that he be removed from being the Chamber of Commerce Liaison. Mayor Rose reported that Sherrie Jackson will be retiring from the Chamber of Commerce. Mayor then changed the appointments. Biorn will become the Fire Department Liaison; Andersen will become the Chamber of Commerce Liaison and Willmore will become the Parks & Rec. Liaison. Attorney Forsberg said in regards to the sign, he thought that Bob Bauer has a piece of ground that he recently sold by the gravel pit and he reserved in the deed one road side sign and it was Forsberg's understanding that he would be donating that sign. Forsberg suggested that Andersen may want to discuss this with the Chamber of Commerce or the Rotary.

PWS Butigan said the cross walk signs have been set up and the signs came in at an even lower price at approximately \$255 each. Three quarters of the airport has been crack sealed. Butigan reported that the old fuel pump at the airport will be covered up before the Fly In. Butigan reported that Depatco will be paving the Safe Route To School project on Friday. All the resident sprinklers are done. Everything has been going well and the residents seem okay with the process. In addition the street to the high school will be resurfaced at \$81 per ton by Depatco while they are here finishing the Safe Route To School. This is an excellent deal and the prep work and the paving will be done Thursday and Friday. Councilmember Biorn will contact High School Principal Bennet to let him know about the work that will be done on the road.

There being no further business to come before the Council the meeting was adjourned at 8:50 p.m. by Mayor Rose.



Garth Rose, Mayor

Attest:



Patty Unruh Parkinson, City Clerk-Treasurer

