

*CITY OF ST. ANTHONY
COUNCIL MEETING MINUTES – September 23, 2009 – 7:00 P.M.
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS*

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

ABSENT: Mayor Garth Rose

ALSO PRESENT: City Attorney Bill Forsberg, Public Works Superintendent Scott Butigan, Police Chief Jim Smith, City Deputy Clerk April Baler, and interested citizens.

The meeting was called to order by Council President Woody Andersen at 7:00 p.m. Andersen excused Mayor Rose from the meeting.

PLEDGE ALLEGIANCE TO THE FLAG was led by Chief Jim Smith.

PUBLIC HEARING - 2009 Budget Amendment Public Hearing – Council President Woody Andersen opened the floor for public comment on the 2009 Budget Amendments by turning it the public hearing over to the mediator City Attorney Forsberg. Forsberg introduced the hearing and opened the floor for any comment from the public. There was no written comment from the public received by the City Clerk. There being no public comment from the audience the public comment time was closed and the floor turned back over to Council President Andersen.

PUBLIC COMMENT – Council President Andersen announced moving the Public Comment time to the next item on the agenda because he would like to hear any comment prior to discussion of the general business items if there were people present that wished to comment. There being no public comment, Andersen closed the floor.

GENERAL BUSINESS

2009 Budget Amendment Ordinance – Council President Andersen requested that Councilmember Biorn introduce the 2009 Budget Amendment Ordinance. A motion to suspend the reading of the 2009 Budget Amendment Ordinance on three different days and that the ordinance be read by title only once was made by Biorn and seconded by Councilmember Willmore. Andersen asked for discussion. There being no discussion Andersen asked for a roll call vote. Role call vote as follows: Council members Fullmer, yes; Powell, yes; Biorn, yes; Stoddard, yes; Willmore, yes; and Andersen, yes. Andersen asked that the ordinance be read by title only. Biorn read the ordinance by title only. Andersen called for discussion. There being no discussion, Andersen entertained a motion. A motion to adopt the 2009 Budget Amendment Ordinance was made by Biorn and seconded by Councilmember Fullmer. Role call vote as follows: Council members Fullmer, yes; Powell, yes; Biorn, yes; Stoddard, yes; Willmore, yes; and Andersen, yes. Motion passed 6-0.

Parks & Rec. Report – Melissa Hinckley – Melissa Hinckley, Parks and Rec. Committee Chairperson, took the floor to report on a proposal for adding fees for the reservations of parks in the city. The proposal is a \$25 fee for a one day event and a \$40 to \$50 fee for

an event that is longer. The committee checked with other communities in the area and learned that Ashton collects a \$25 fee. This is only for those that reserve the park for a function and the fees will go to help for special requests like extra picnic tables and clean up following the event and to allow for posting the use of pavilions ahead of the event so other patrons will know. Parks and Rec. did not recommend charging Fisherman's Breakfast. Council President Andersen said that council can always choose to waive a fee. Hinckley said that there are many reservations made through out the summer.

Hinckley reported Parks and Rec. are preparing to auction off some surplus playground equipment, two slides and signs. They decided to wait until they either have more items to auction or Bob Riley said he would include it in an estate sale that may be held in October. As soon as Hinckley has more information she will inform council.

Hinckley reported that she suggested names of people that might be interested in being on the Parks and Rec. Committee.

Hinckley provided council with a proposed Community Forestry Tree Ordinance. Parks and Rec. would like the City Attorney to review the ordinance. Hinckley said the new ordinance allows for permits to remove or plant a street tree. As street trees, defined as trees in the public right of way, it will help Parks and Rec. keep track of these trees. The permit would be free. Hinckley reported that she has been trying to do a city wide tree inventory of the trees in the public right of way. The last time it was done was 2005. Her inventory is relating the trees to an address and describing the proposed needs of the tree.

Hinckley said the Parks and Rec. Committee will not meet the months of November and December due to the holidays and there isn't much going on. The next meeting is scheduled for January.

Garrett Trailer Court # 9 discussion – Public Works Superintendent Butigan reported looking at the trailer that needs to be removed from 330 West 8th South #9. Theresa Garrett is the property owner and the trailer was once owned by Joel Young and has since been abandoned becoming a nuisance. Butigan said the skirting is coming off, the siding is buckling and there's insulation falling off. Butigan estimates depending on what happens during the move of the trailer, will determine the cost of moving it. It could cost anywhere from \$750 to \$2000 to move. Butigan didn't know if Garrett knows the costs associated with moving the trailer. Garrett wrote a letter to the council indicating that she does not have the means to take care of this situation herself and would appreciate any help. Attorney Forsberg said the city has the right to abate a nuisance and also has the right to charge the owner the costs. If necessary, the city may add the costs to the owner's tax assessment in order to collect. Forsberg has spoken to Garrett and understands that the city may remove the trailer at her expense. Forsberg recommends the city to remove the trailer at the most efficient cost and means to clean it up. It is currently a danger to people passing by. Once the trailer is moved, Garrett can then rent the space. Forsberg said a copy of the letter was sent to Young, the reported owner of the trailer, however there is no evidence of title that could be found. Young never responded to the letter previously sent to him. Council President Andersen asked council for discussion. Councilmember Stoddard asked that an emphasis be placed on talking to Garrett prior to abating the property. Attorney Forsberg questioned why the city should "ask" to remove the property. Garrett has an obligation to the community to remove the

nuisance and after speaking to her understands the law. Forsberg explained that when he spoke to her he told her all these things. Councilmember Biorn asked if Garrett has had ample opportunity to complete this task herself. Forsberg reported writing a letter to her August 31, 2009 and spoke to her around the first week of September. Biorn said he remembers giving other property owners 60 and 90 days to complete a project. Forsberg said that those property owners requested extensions, which were given to them. Garrett has not asked for an extension. Forsberg said that her letter indicates that she would like assistance cleaning up the property; she just doesn't have the money to pay for it. Andersen directed PWS Butigan to negotiate a time to remove the trailer and then request payment from Garrett and if need be accept a payment arrangement until paid. Councilmember Fullmer requested that the minutes reflect that he abstained from any discussion of this matter.

Approval of the 2010 Retail Alcoholic Beverage Licenses – Deputy Clerk Baler reported the businesses that didn't pay were M&M Texaco, Spurs and Spokes, and Silver Horseshoe. Council President Andersen suggested that the council authorize the City Clerk to issue the alcohol licenses pending receipt of the State of Idaho License, the County License and payment to avoid having to hold a special meeting. Councilmember Biorn said that if businesses "forget" to get their information in on time that is not something to consider for a special meeting. Biorn said he does not like approving anything contingent on anything else. If they are not here to present it themselves then he suggests the council not approve them until the next council meeting. Attorney Forsberg advised that the ordinance does not provide for approving the licenses with a contingency and the council needs to approve and they can not approve until there is an application and a fee paid. A motion to approve the alcohol licenses for BJ's Corner, Bottlestop, Broulim's Supermarket, Star Bar and El Jaliciense was made by Councilmember Stoddard and seconded by Councilmember Fullmer. All were in favor, motion passed 6-0.

Notice of Municipal Election – The notice of municipal election was read into the record by Deputy Clerk Baler.

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 Biorn and seconded by Councilmember Powell. All council members approved. Motion passed 6-0.

PUBIC COMMENT – Council President Andersen entertained a member of the audience to take to the floor. Jack Wright, 830 West 1st South, complained about a barking dog and said he had contacted the police department on three different occasions. Chief Smith said that unless a citizen is willing to sign a complaint and the officer goes out to the site and does not hear a dog barking then no citation can be issued. Councilmember Stoddard requested the Chief to drive by the residence again and listen for the barking dog. Andersen instructed Wright to sign a citation so that the police department can act. Wright said he doesn't want a war with his neighbor. Andersen said that he has instructed the police department to drive by and if there is a noise disturbance to issue a citation. Wright then began to talk about yard sale signs and issuing citations to people that don't clean up their yard sale signs. Councilmember Fullmer said there is an ordinance that prohibits posting of signs. Wright thanked the council for allowing him to speak.

MAYOR, COUNCIL and DEPARTMENT REPORTS

Councilmember Willmore reported on the Fly In at the airport. He said it was quite successful with a good turn out and good weather.

Council President Andersen reported on meeting with the Chamber of Commerce and the discussing the flowers. There has been pledges gathered by Karen Valenta, no money, but people are interested. The Chamber of Commerce felt like they needed to act on those pledges before they get old. Andersen would like the City Clerk to set up an account and to keep a record of everyone that donates so that if something happens the donations could be given back. Andersen would also like to post a message on the utility bills to provide information on donating to the flowers. Councilmember Fullmer asked about accepting money into the budget, when it hasn't been budgeted for. Attorney Forsberg said it wouldn't be part of the budget but held separately. Forsberg said that only the Mayor can direct the City Clerk to open an account. The funds do not become part of the budget until the council reopens the budget and amends it. Councilmember Stoddard asked if there was a plan in place for those donations. PWS Butigan reported that he understood that Valenta wanted the flowers to continue on as they have. Once enough money has been collected then she would remain an employee of the city and the city would reopen the budget to pay her with those collected funds. Butigan reported that the only other alternative was one suggested by Melissa Hinckley which was to create an "Adopt a Plot" program for volunteers. Councilmember Biorn didn't think requesting money on the utility bill was appropriate. Fullmer said that we have to be careful about doing this. If they are employees then the city will have to pay unemployment and workman's comp along with all the other expenses associated with an employee. There are always extra costs associated with something like this and the city may or may not have the donated funds for all those costs. PWS Butigan said that it was also discussed that whoever plants the flowers would be contract laborers. Forsberg said anything that needed to be done with this is administrative and the Mayor can instruct the clerk if necessary. Council would like information on the flowers to be in the next newsletter and Deputy Clerk Baler indicated that she could do this.

Deputy Clerk Baler reported that she has given her two week notice and resignation to Clerk Parkinson today. Council President Andersen thanked Baler for her work, especially in Planning and Zoning.

PWS Butigan reported the road in front of the high school has been paved by Depatco and the total cost is \$622. Councilmember Biorn wanted to know if there have been any complaints from the school about the Safe Route to School pathway. Butigan reported that he hasn't received any. Butigan asked council if the stop signs on Third could be taken down. Council President Andersen said that it is still rough with a dip and didn't know if that would be a good idea. Councilmember Fullmer asked for Chief Smith's opinion. Chief Smith said that right now the signs are confusing and people are stopping at yield signs and vehicles don't know if they need to yield to a stop or not and then stop at the yield. Andersen said that Butigan should smooth up the road and take down the stop signs.

Chief Smith reported that the police department has started ten hour shifts. This change

became effective with the loss of personnel, training and vacations. Smith reported receiving another Tazer and how the department is working on having camp trailers removed from the city streets. Smith said that a police vehicle is currently up for auction. The Rocky Mountain Information Network (RMIN) is looking at sharing equipment throughout the state and be coordinated by RMIN. School traffic in front of the middle school seems to be working well. Councilmember Fullmer asked about the camera on top of the traffic light and wanted to know what that is for. Chief Smith didn't know what that was for. PWS Butigan thought it might have something to do with traffic. Council President Andersen asked Butigan to check into it.

There being no further business to come before the Council the meeting was adjourned at 8:10 p.m. by Council President Andersen.



Garth Rose, Mayor

Attest:


Patty Unruh Parkinson, City Clerk-Treasurer

