

*CITY OF ST. ANTHONY
COUNCIL MEETING MINUTES – November 12, 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, City Clerk/Treasurer Patty Parkinson, and approximately five interested citizens.

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

The **PLEDGE OF ALLEGIANCE** was led by Don Powell.

PUBLIC HEARING

Wastewater Phase III Application Hearing/Proposed Grant Activities – Mayor Rose opened the floor for the public hearing by turning the floor over to City Attorney Forsberg who acted as the mediator. Forsberg said the notice was properly published in the paper as required. No one signed up to speak. Forsberg then asked if there was anyone in the audience that would like to speak. Rick Miller from The Development Company came to speak in favor of the Wastewater Phase III Application. Miller went over a brief description of the project and asked that everyone present sign an attendance list. The application is due November 20, 2009. The project is the replacement of part of the sewer collection and about 57 manholes. The construction will last about 12 months and will cost 1.37 million dollars. The city also needs to allow for public comment five days after this hearing and to reply to any comment that may come in during those five days. Miller asked if council had any questions. There were no questions from council. Forsberg asked if there was any other person present that would like to comment. There was no other public comment. Mayor Rose closed the public hearing at 7:05 p.m.

GENERAL BUSINESS

Silver Horseshoe Alcohol License – A motion to add to the agenda the Silver Horseshoe Alcohol License for approval at this meeting because delaying the approval would otherwise delay business that needs to be taken tonight was made by Councilmember Stoddard and seconded by Councilmember Biorn. A roll call vote followed with Councilmembers Fullmer, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes and Willmore, yes. Motion passed 6-0. Marsha Wilson of the Silver Horseshoe, asked to address the council. Wilson said that the applications were delayed because Mr. Westcott, who is transferring the license to Wilson, ended up in the hospital in Salt Lake City. Temporary licenses from the county and state have been issued, good through November 30, 2009. Wilson said the reason it is a temporary license is because they were missing a piece of paper that the state did not send to her and that has since been added and she should receive the permanent state license within the week. Wilson said the extension was given because of Westcott being in the hospital. Attorney Forsberg said he didn't think the city could grant a license any longer than the state has allowed. Councilmember Stoddard asked Chief of Police Smith about the application.

Chief Smith said he spoke to the State Alcohol Beverage Control and said that there may be some issues with the city exceeding the number of establishments serving alcohol within the city. The city code regarding beer by the drink is more restrictive than the state's code. City code requires a six month residency in Fremont County and a background check from the applicant along with four references which haven't been met. A motion to approve a temporary alcohol license good through November 30, 2009 to coincide with the State and County's licenses was made by Fullmer and seconded by Councilmember Powell. All council members were in favor. Motion passed 6-0. Stoddard asked if there was any objection from the other council members to calling a special meeting once Wilson obtains the permanent licenses. There was no objection.

Approve Contract and Sign Schiess & Associates for Wastewater Phase III Project –

Councilmember Stoddard asked if Attorney Forsberg has reviewed the contract from Schiess & Associates for the engineering of the Wastewater Phase III Project. Forsberg said that the city needs to make sure that it's clear that until the block grant is approved, Schiess & Associates will only be paid for those services that are approved by the city council. There is a termination clause if the city fails to obtain financing. Forsberg said that there are a couple of blanks to be filled in and to remove the name of the Mayor and replace it with the title Mayor. Also, under paragraph seven the lump sum payment amount should be \$125,981. Councilmember Fullmer asked if the necessary funding has been dedicated to handle this. Stoddard said that the total sum of \$391,000 is made up of the following; \$100,000 construction, \$125,981 engineering and \$85,000 administration. It was budgeted \$100,000 for soft costs and another \$50,000 coming out of reserve. The USDA said we can dip into our reserves of up to \$125,000. And the reserves are there. Paul Scoresby of Schiess & Associates said Exhibit A provides for a means that they only work when authorized to do so. Ted Hendricks said the engineering contract meets their intentions. A motion to approve the engineering contract with Schiess & Associates for the Wastewater Phase III Project with the noted corrections by the city attorney was made by Councilmember Willmore and seconded by Councilmember Biorn. All councilmembers were in favor. Motion passed 6-0.

Amendment to the Memorandum Agreement East Central Idaho Planning and Development Association, Inc. and the City of St. Anthony - A motion to add to the agenda the Amendment to the Memorandum Agreement with East Central Idaho Planning and Development Association, Inc. for approval at this meeting because delaying the approval would otherwise delay business that needs to be taken tonight was made by Councilmember Stoddard and seconded by Councilmember Powell. A roll call vote followed with Councilmembers Fullmer, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes and Willmore, yes. Motion passed 6-0. Attorney Forsberg said this is a piece of the ECIPDA part of the Wastewater Phase III Project. ECIPDA has provided us with a professional service contract for the Wastewater Phase III Project where the city will pay a total of \$75,000, \$25,000 in cash and \$50,000 that will come later out of sales from the Industrial Park. This amends the original agreement with ECIPDA in regards to the Industrial Park. Currently there is \$200,000 that will be paid to ECIPDA from those sales. The city has paid approximately \$75,000 towards that \$200,000 from the last lot sales. There is no time frame on when they get paid. It's just as the lots get sold. There are no interest or finance charges. A motion to accept the Amendment to the Memorandum Agreement with East Central Idaho Planning and Development Association, Inc. was made by Councilmember Biorn and seconded by Councilmember Willmore. All council members were in favor. Motion passed 6-0.

Wastewater Phase III Application Resolution – Councilmember Stoddard read the resolution. A motion to approve the resolution to approve and authorize the execution of a professional services contract with Schiess & Associates Consulting Engineers and an Amendment to the Memorandum Agreement with the East Central Idaho Planning and Development Association, Inc., in conjunction with the Phase III Wastewater Project was made by Councilmember Biorn and seconded by Councilmember Willmore. All council members were in favor. Motion passed 6-0. Ted Hendricks of The Development Company said that he will be leaving an application with the city for anyone to review. Hendricks will meet with the Mayor and Clerk to get everything signed by the first part of next week so that they can post mark the application by November 20, 2009. Hendricks said the state has been working with them closely and feels that this project will be funded.

Discussion of Local Rural Highway Investment to do bridge at the end of West Main – Mayor Rose said that Clerk Parkinson and Councilmember Andersen attended the most recent ECHO meeting and ECHO rated this project as their first priority. Andersen and Mayor Rose also talked to the County and the County has agreed to help fund with \$15,000 towards the project. Paul Scoresby of Schiess & Associates said he did bring a draft letter that would go with the application. Scoresby said this is really the second of three phases to work on and repair West 12th Street and the bridge. This will be the third time that the city has attempted to apply for repair of this section of the road. We may or may not need to do a-right-of-way procurement. Councilmember Fullmer asked if there might be an issue with the city not owning all the property to complete the project. Scoresby said there is a prescriptive right of way since it's been there for so many years with no complaints. Council discussed leaving the curve there and requested Schiess & Associates to look at alternatives. Attorney Forsberg said that the property where the bridge sits now belongs to the city by adverse possession. The city has been there longer than 20 years and the law requires that the property owner take action in a certain amount of time. However, if there are any changes in the road, either to widen it or change its trajectory, then there may be right-of-way issues. Scoresby said the application has to be in to Local Highway Technical Assistance Council (LHTAC) in Boise by 5 p.m. on December 1, 2009. Councilmember Andersen said that there are a lot of accidents on this bridge and it will complement the West Main Street project and that the city should continue to pursue this project as the city has done for the last three years. Fullmer asked if we have considered how the city will come up with the money. Scoresby said the city, if needed, can apply for extensions or may apply for the next Local Highway Rural Investment Program (LHRIP) for the match on the West Main Project. As the application is right now, the work is required to be completed by 2011. Scoresby also introduced Ryan Peterson from Private Engineering Consultants (PEC). PEC partnered with Schiess & Associates on the East Main Project. Councilmember Stoddard said that the city hasn't budgeted for this and that the city doesn't have the money. Andersen said that we are only applying and if it doesn't go through it won't cost any money. He said that he thought the city could find the money if needed. Fullmer said that the Finance Committee came up with a five year plan which now needs to be supported. Councilmember Powell agreed with Stoddard. Councilmember Willmore agrees with Stoddard as well. Scoresby said that the city doesn't need to spend any money in fiscal year 2010 and could wait until 2011 to budget for it as there are provisions to extend the project. Councilmember Biorn said that based on his notes from the Finance Committee in year one they intend to pull \$50,000 from the General Fund and another \$50,000 from the sewer reserves to make that \$100,000 match for the Wastewater Phase III Project. In light of the ability to pull

additional funding from the sewer reserves, the Finance Committee then decided to pull the entire \$100,000 from the sewer reserves this year, which means they don't need to pull the additional \$50,000 from the second year. The need for that \$50,000 is no longer there. So that may be something that would enlighten this conversation. Scoresby said there is some value in reapplying for a third year in a row and if we don't apply it may indicate that we are no longer interested. Willmore said that we might want to apply for the grant. Stoddard said that we don't know what 2011 will look like in revenues and the predictions are they will be down and the city is spending money we don't even know that we have yet. Stoddard said he is not against applying for the grant, but realistically the city can't support five major projects. Andersen said that if we applied for it and got it we don't need to accept.

Resolution to Apply for the Local Rural Highway Investment Program –

Councilmember Willmore read the resolution. A motion to accept the Resolution to Apply for the Local Rural Highway Investment Program was made by Councilmember Andersen and seconded by Willmore. Four council members were in favor and two were against. Motion passed in favor of the resolution 4 to 2.

Memorandum of Understanding/Fort Henry Historic Byway – This item was tabled until the first meeting in December since Cathy Koon was not present.

Resolution to adopt Fort Henry Historic Byway Management Plan – This item was tabled until the first meeting in December since Cathy Koon was not present.

Library Agreement for Maintenance Items – Clerk Parkinson explained the history on this item. There had been some maintenance items that needed to be completed with the library and those items have been completed. Councilmember Andersen said there should be an agreement with the Library, Senior Citizens and Chamber of Commerce so that it can be reviewed from time to time. Clerk Parkinson said she was unable to find an agreement with the library but will contact the library to see if they have a copy of an agreement. This item of discussion was tabled until the next meeting.

PUBLIC COMMENT – Mayor Rose opened the floor for public comment. There being no comment Mayor Rose closed the public comment time.

INVOICES & CLAIMS - Payment Approval Reports were presented to Mayor and Council. Councilmember Willmore asked for an explanation of the number of cell phones the city has. Clerk Parkinson explained who has cell phones and how the city uses them. Currently the city shares the minutes from each cell phone for a total of minutes used. Those minutes are being used; where some phones use more minutes than others it's still cheaper to share the minutes than to discontinue a single phone and increase another phone's minutes. At the suggestion of Willmore the city has stopped land line service to the shop, significantly saving on that monthly invoice, since all the crew has a cell phone. A motion to approve the invoices and claims for payment was made by Councilmember Fullmer and seconded by Willmore. All council members approved.

MINUTES - Regular Meeting Minutes of September 23, 2009, October 14, 2009 and Special Council Meeting Minutes of September 30, 2009 were presented to Mayor and Council. A motion to accept the Regular Meeting Minutes of September 23, 2009, (with

noted corrections of Councilmember Fullmer's name spelling) October 14, 2009 and Special Council Meeting Minutes of September 30, 2009 (with noted corrections of Councilmember Fullmer as absent) was made by Councilmember Fullmer and seconded by Councilmember Andersen. All council members were in favor.

MAYOR, COUNCIL and DEPARTMENT REPORTS –

Councilmember Willmore said that the new Airport pilot control lights are installed and working. The city should see some significant savings in the electric bill. Parks and Recreation didn't meet this month and the next scheduled meeting will be the first of the year.

Councilmember Stoddard said there has been some talk about the Police Department and their ongoing investigations being inadequate and the county wanting to take these investigations over. It will be on the news tonight. There has also been some discussion about turning the police force over to the county. Mayor Elect Thueson said the county commissioners contacted him about turning the Police Department over to them. Thueson said he will be meeting with the sheriff. Stoddard said he will be attending this meeting along with the Chief of Police. There will be a special meeting with the commissioners on December 3, 2009. Stoddard said we need to add to that agenda a request to pool with the county on their insurance. Stoddard said there are some issues with dog pound and he thinks we can use our work camp guys to help out with the cleaning. Mayor Rose said he has asked Public Works Superintendent Butigan to assist. Councilmember Fullmer said he would talk to PWS Butigan to see if an agreement can be reached.

Councilmember Biorn reported on the recent house fire in the city. Two Fremont County trucks and one Madison County truck was there but no city trucks. He said that there had been some confusion about where the fire exactly was, whether it was 4th North in the city or 400 North in the county. Biorn was told that there was a man power shortage and the district is discussing adding to the volunteer pool. Biorn reported that the Lion's Club Thanksgiving dinner is still on and they are still in need of help and turkey and hams. Mayor Rose asked if the city could donate a couple turkey and hams. Councilmember Fullmer didn't think the city could do that. Attorney Forsberg advised that if the city wanted to they could contribute to any public matter. Mayor Rose asked the clerk to donate a ham and turkey and to contact Sam Davis. Biorn said he had contact information. Biorn said that the city could possibly save money by putting in LED lights in the street lights and wondered if council might be interested in doing this. Councilmember Andersen thought it was a good idea, but the city is on a contract with Rocky Mountain Power to pay for some of these street lights. Biorn said we could change some of those lights out and save money. Mayor Rose said Glen Pond, of Rocky Mountain Power, indicated that he would work with the city to help the city out. Biorn said he would volunteer to check into it and get information back to council at the next meeting.

Councilmember Andersen said he met with the Chamber of Commerce on November 5, 2009 and they have \$850 in the bank towards the flower fund. Chamber elections will take place November 19, 2009 for a new chamber president, as Sherri Jackson has resigned. Andersen said the Chamber meetings are not being well attended and thus there is little representation. One thing they talked about is having the city license the retail merchants for a small fee. This might help the city become aware of where

commercial activities are taking place and this would help visitors find businesses better. Andersen also asked who would be paying for the Elected Officials Academy. Mayor Rose said there is money budgeted for travel and training and that could be used for the upcoming academy.

Councilmember Fullmer said he will talk to PWS Butigan about having the work camp people help at the animal shelter. Fullmer had questions about the alcohol licensing wanting to know if the city issued the license to Silver Horseshoe would the city be in violation of their own code. Attorney Forsberg said that there is nothing on the city's application that requires the special information, like length of residency in the city. The city has not required any of that specialized information from any other applicant and because of that Forsberg has concerns trying to differentiate this applicant from any other applicant in town. Forsberg said that as long as the applicant manages to satisfy the state then the city should also be satisfied. Forsberg advised that the city needs to review the city's ordinance on alcohol licensing.

Clerk Parkinson informed council that the High Country Board of Directors meeting is December 19, 2009, for those wishing to attend. Parkinson also reported that the city did not pay for PERSI contributions for an employee, Bonnie Hathaway, employed here in 1985. Those contributions amounted to \$563 and will be paid to PERSI as required from this year's budget. Parkinson also reported that the annual audit is underway this week. Everything seems to be going well. Councilmember Biorn said the auditor did request to meet with a member of the Finance Committee and he met with the auditors today. Mayor Rose also said that he spoke with the auditors today and he reported that things were going well. Parkinson reported that the Work Camp did call regarding the sewer rates and the increase in those rates. Parkinson explained how the rates are calculated and had the Wastewater Superintendent check on the sewer usages and was informed that there was a leak that has since been repaired.

Attorney Forsberg reported Fairpoint Communications has filed bankruptcy but will continue to pay their utilities. Rocky Mountain Power sent the city a request to ask for the city to comment on their purchasing power from a wind company. If anyone is interested in this, he has it for review. Forsberg said in regards to the trailer at Garrett Trailer Court, he has spoken to ICRMP about the proposal from the members of her church. ICRMP informed the city that they couldn't allow the city to release liability to the church. Mayor Rose has instructed PWS Butigan and his crew to move the trailer as soon as possible. Hopefully, before winter sets in. Forsberg reported on an enforcement issue on Maple Street with a travel trailer being parked on a residential lot and using water that no one was paying for. A letter has been sent to them requesting compliance and they haven't responded. There may be a couple of citations issued if they do not comply with city code. Forsberg also reported on a goat in town, which is against ordinances. A loose dog attacked the goat and citations were issued to the dog owner and the goat owner, since you can't keep goats in an R-1 zone. The owner/keeper of the goat has since shown a prescription that the goat is a needed therapy animal. This triggers the Americans with Disability Act and requires the city to make reasonable accommodations. Forsberg said he has concluded that this is not "reasonable" to house livestock or wild animals within an R-1 zone. The Police Department will notify the owner that they can't keep the goat in an R-1 zone.

Chief of Police Smith said he talked to the goat owner, Mrs. Froehlich, and reported that she doesn't care if the goat stays or not and will contact Attorney Forsberg regarding her court date and will take reasonable measures to come into compliance before the 18th. The canal cleaning is on going this week and seems to be going smoothly. Transmitters will be up and running soon on the tower by the Sheriff's station. A Channel 3 reporter did an interview with the chief of police and the county prosecutor regarding the impact on the loss of police officers. Chief Smith said the police department continues to do investigations as they have done in the past. The dog pound was also reported on by the reporter.

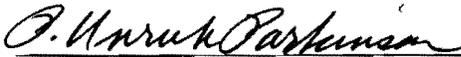
Clerk Parkinson reported that Citizen Don Oram wanted to thank the city council for everything they do.

There being no further business to come before the Council the meeting was adjourned at 9:20 p.m. by Mayor Rose.



Garth Rose, Mayor

Attest:



Patty Unruh Parkinson, City Clerk-Treasurer

