

*CITY OF ST. ANTHONY
SPECIAL MEETING
May 13, 2010, 6:00 p.m.
REGUALR COUNCIL MEETING MINUTES
May 13, 2010 – 7:00 P.M.*

420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS

PRESENT: Mayor Neils Thueson, Councilmembers Rod Willmore, Bryant Biorn, Elva Powell, Suzanne Bagley, Woody Andersen and Bryan Stoddard.

ALSO PRESENT: City Attorney Bill Forsberg, Police Chief Jim Smith (arriving at 7 p.m.), City Clerk/Treasurer Patty Parkinson, Public Works Superintendent (PWS) Scott Butigan and approximately 15 interested citizens.

The meeting was called to order by Mayor Thueson at 6:00 p.m.

SPECIAL MEETING 6:00

The Development Company review of water services / Ted Hendricks / Rick Miller – Mayor introduced Ted Hendricks and Rick Miller of The Development Company and Paul Scoresby of Schiess & Associates. The question came up when city crews did a preliminary study of water flows and a study was requested to be done to see if there is water loss. Public Works Superintendent Butigan provided a map of the city's water lines showing where old 2" and 4" lines are located. These lines were once okay when installed but no longer meet current standards set by DEQ and Fire Standards. Other problems with the current water system are lead goose necks and lead joints, which are no longer used. PWS Butigan said the city has never tested positive for lead that he knows of. Scoresby of Schiess & Associates explained that many of these lines are 80 to 90 years old and as new building codes currently apply, then many of these older pipes no longer are compliant. The water study lists all the different areas in the city where this may be a problem. The city's meters on residential and businesses are probably the best method to see if there is a water leak. Also, the meters from the wells and at the collection system should be calibrated for accuracy. Mayor Thueson said there are many things from the current study the city could take on themselves, just a bit at a time, by budgeting for it and making the repairs. Council discussed with Hendricks and Miller of The Development Company the issues associated with attempting to get loans or grants to repair these older lines. Hendricks said there is probably more money with better terms and conditions due to federal stimulus money, including loans from the DEQ with zero percent interest, block grants, and USDA loans. Hendricks said the city certainly has a need for the repairs; however the city currently has water rates that are considered low and so therefore obtaining grant monies is difficult. Water rates would have to increase to upwards of \$50 or more before the city would be considered for assistance. Hendricks said on average around Idaho rates for both water and sewer is running around \$40 for each service. Butigan said that many of the leaks are in the city's old fire hydrants. Council discussed replacing water lines on East Main Street, which is currently undergoing street repairs. However, funding is short. There may be a possibility to get a change order on the contract. Butigan didn't think a change order would be approved, since it's stimulus money. The city could consider doing the work themselves using reserves. Mayor said the city should first determine if there are significant leaks and if so, to do the entire project. If no large leaks, then just do the work ourselves making repairs as we go. Councilmember Andersen said more information is needed to first make sure the city is accounting for everything that isn't being metered, giving a length of time for a comparison

and then decide if the city should do another leak study. At that point then, decide if work needs to be completed. Mayor Thueson agreed. The city has a good study now and budgets annually for some repairs. Thueson said more information would be collected and studied by council on a later date.

A five minute recess was taken.

Mayor Thueson then called the Regular Council Meeting to order at 7 p.m.

PLEDGE OF ALLEGIANCE was led by City Attorney Forsberg.

GENERAL BUSINESS

Cloud Seeding / Paul Romrell (Andersen) – Paul Romrell provided council with an Upper Snake Cloud Seeding Site map showing the remote control generators used for cloud seeding. The generators are owned by Idaho Power. Three are located in Fremont County. All together there are ten generators in Fremont County, seven are not remote control. Romrell wanted to remind council, if they can, to try and budget for cloud seeding. In the past the city has budgeted \$2500 for cloud seeding. An analysis of the program indicates a four percent increase in moisture. Increased amounts in snow assist all, including all water users. Decisions to make snow are made based on an analysis of the clouds and the weather and wind flow. They would like to make the manual operated generators remote control. Any water that goes into the Henry's Fork or Palisades benefits our region. If the aquifers start dropping too low, junior water right holders could be shut off, including cities. Water is important for irrigation as well as recreation and domestic use. Idaho Power has come forward with a program valued at \$350,000. Council had no questions for Romrell. Mayor Thueson also thanked the county for their assistance in providing the city with a \$5000 check towards the West Main Street project. The county has committed to the city up towards \$25,000, \$5,000 per year until the project is completed.

PUBLIC COMMENT

Gary Bidwell, volunteer fire fighter, request to speak to council (requires motion by council to add) – Gary Bidwell was not in attendance.

GENERAL BUSINESS continued

Request to lease City right-of-way / Allen Pitkin – Allen Pitkin was not in attendance.

Wayne Holladay / Regarding Parking Ordinance – Wayne Holladay introduced himself saying he owns the building on the north east corner of Bridge and Main Streets. Holladay reported all the cars on that road were ticketed about a week to ten days ago. These would be all his tenants that rent in that building. Holladay handed out a photograph of some city signage. There is a sign there for no parking between 2 a.m. and 6 a.m. and another sign that says no parking from the sign to the corner. All the cars ticketed were east of that sign. He said there is confusion about these signs. Holladay said he try to keeps the rent really low, since there is a need for apartments for low income individuals. Holladay says he understands the need for no parking in winter for snow removal, but not during this time of year. Holladay said this is the first time in 11 years anything like this has happened. He asked if permits can be issued for his tenants and dismissal of these tickets this time, due to the confusion. Holladay didn't think there were any permits being issued. Councilmember

Bagley asked how many tenants Holladay has. Holladay said he has about 14 tenants. Right now they are not all there. One member of the audience spoke out and said there were 16. Mayor Thueson asked how many electric meters. Clerk Parkinson said the city charges for 19 equivalent dwelling units. Councilmember Biorn asked if the permits Holladay is talking about, do they allow for parking in the street. Chief Smith said the permits have not been issued, as there is no posted signage and do not pertain to the street, only for city parking lots. Biorn asked about the no parking from 2 a.m. to 6 a.m. Smith said that street is part of the business district. Biorn asked if there is a need for this. PWS Butigan said only in the winter for snow removal. Council members looked at the photos given to them and didn't see any confusion with the signs. Butigan said there was once an exception made for a car dealership. Biorn is in favor of changing signage for summer time parking as opposed to issuing a permit to parking on the street. Smith said this is not the first time citations have been issued. Mayor Thueson said they would take this under advisement. Mayor Thueson said the tickets already issued stand as given. Attorney Forsberg said this is a legal matter and the city council has no authority to dismiss tickets. Only a judge can take the matter up with those that had been issued tickets. Mayor Thueson asked the clerk to put signage on a future agenda.

Roxy Theatre / Kathy Hayward – Kathy Hayward introduced herself and she and a business partner are interested in bringing the Roxy Theatre back, with a movie theater and pizza parlor. Hayward described what the business would entail, geared towards family and youth. They would like to purchase the property from the city for this purpose. She asked if the city wasn't willing to sell the property, if they could then lease it with an option to buy. They are also purchasing the Silver Horseshoe to start up a local newspaper. Councilmember Stoddard said there is a board that governs the Roxy Theater and the first step would be to accept advisement from the board prior to making a decision. Attorney Forsberg said in order to sell city property the property must be declared surplus, meaning the property is not being used to benefit the city. The council would then auction the property at a minimum value. If no sale by auction then council could dispose of the building as they saw fit, i.e. with a possible lease option. Forsberg said the Roxy Foundation currently has a lease and therefore Bert Flamm, chair of the Roxy Foundation, must first be contacted. Mayor Thueson asked the clerk to invite Bert Flamm to the next council meeting.

Use of Search & Rescue Building / Bart Quayle and Joe Powell not in attendance.

Eastern Idaho Community Action Partnership / Russ Spain / Discuss Senior Center Housing Property – Russ Spain introduced himself as the Executive Director of Eastern Idaho Community Action Partnership (EICAP) and explained they own the South Fremont Senior Apartment Complex building. They signed a lease with the City of St. Anthony May 24, 1977, which allowed them to get a loan to build the property. The lease was a \$1 lease for 63 years. This was paid in one lump sum with a check for \$63. The city never cashed the check. An addendum was added to the lease in 1979 to pay the city \$1800 a year in lieu of taxes. There are 14 units fully rented with a current waiting list. Of the current tax bill from the county for the improvements on the property the City of St. Anthony receives about \$1680 per year. Spain requested the city to deed the property over to EICAP. He said Mayor Rose told him the city had deeded over similar property to the Eastern Idaho Health Department. Mayor Thueson asked the city attorney for his advice. Attorney Forsberg said it is not possible to deed the property over, since EICAP is a private corporation. Idaho law allows for the city to gift property to another government non-profit, but not to a private entity. The city would have to deem the gift is in the public interest. There is currently an \$1800 lease and the gift will not change the use of the property. Therefore, since the gift will not

change the use and if the current use is not in public interest, then gifting it to an entity that will continue the same use would not be in the public interest. If the use is now in the public interest then there is no basis to gift the property. The city receives about \$3600 in taxes and lease income. The tax assessor said the tax amount would be about the same if EICAP owned the property. The current lease allows for the city, at the end of the lease, to own the property. Attorney Forsberg concluded he didn't believe the city could legally do what was being requested and even if the city could there didn't appear to be a basis for doing it. Mayor Thueson and council agreed they would not deed the property to EICAP.

Commercial Use Lease / Red Baron Ag (Willmore) –

Aerial Applicator Operating Permit (Willmore) - Councilmember Willmore reported to council Red Baron Ag has signed their commercial use lease and aerial applicator operating permit. Attorney Forsberg said the lease provides for an Exhibit A to indicate the property being leased. Until this Exhibit A is completed and inserted into the lease their business can not operate. Council provided for a month's time. The Aerial Applicator Operating Permit has been signed but not paid.

Cable One Franchise Ordinance (Parkinson) - Clerk Parkinson explained the City has a franchise agreement with Cable One which has expired and therefore a new agreement for franchise and ordinance is being done. There is a change in this ordinance from a three percent fee to a five percent fee, which can be the maximum required by state law. The ordinance will be published and once published the council can hear public comment and then they may pass. Cable One is responsible for all the publishing fees. Council discussed the fee. A motion to publish the Cable One Franchise Ordinance with a five percent fee was made by Councilmember Biorn and seconded by Councilmember Willmore. All council members were in favor. Parkinson will have the ordinance published as soon as possible.

Agenda Discussion (Parkinson) – Clerk Parkinson reported on attending a Risk Management class in Pocatello put on by ICRMP (Idaho Counties Risk Management Program). One important topic came up in regards to meetings held in the city by committees or other organized groups which provide council with any recommendations. The topic is posting notices and agendas for those meetings. All meetings, whether or not a quorum of councilmembers attends, must have a five day notice posted and a two day agenda posted prior to the meeting. Special meetings require a 24 hour posting. Emergency meetings, if ever an emergency is declared by the Mayor, require an immediate notice, as soon as the emergency is declared. Parkinson is requesting both the notice and agenda for any committee or board meetings be provided to her for posting no later than five days prior and that all meetings have minutes taken and turned in to the Clerk's Office once completed. Mayor Thueson asked all council members to share this information with their respective liaisons and committees.

Parking Fees (Bagley & Smith) – Chief Smith said the police department wanted to run by council the posting of signs and permits for city owned parking lots. Smith said there are no associated fees for those parking permits. Smith wanted to confirm with council that there was no interest in charging fees for parking permits. Councilmember Bagley said there was some discussion on the cost of creating permits and said it should be minimal and the city could likely pay for those costs. Council members discussed who would get permits, residents of apartment complexes and businesses. The intent of the parking permits was to not allow for abandoned vehicles to park indefinitely in a city owned parking lot. One suggestion was to provide local bar owners with a permit for a vehicle so patrons of the bar could leave their vehicle parked over night so they would not be driving after having had

drinks. This could be done at no cost to the bar owner or patron. After some discussion, council didn't believe the city had any current problems or ongoing issues and to not address this further unless it becomes a problem.

South Fremont Fire District Discussion (Biorn) – Councilmember Biorn reported on the Fire District meeting the night before and the city's request for annexation was denied. This is not what the city hoped for. The district presented an option of going to their patrons to vote for a permanent levy increase. If the vote was favorable and a permanent levy increase was approved then the district would consider annexing the city at that time. Biorn said after the meeting he expressed his concern with that process to the commissioners. Biorn's concern was allowing patrons to vote prior to annexing the city, meaning the city wouldn't have any say in the permanent levy increase. Biorn said taxation without representation would apply in that instance. Last year, every department was cut except for the fire department. The council now has to decide what to do with that portion of the budget. Biorn asked for suggestions from council before offering his suggestions. Mayor Thueson suggested since everyone is being cut that the fire department should not be exempt from that. Recently an employee retired and was replaced with a part time person because of the financial status of the city. The financial status of the city is not going to change any time soon and the city has to consider the city's priorities. There's been no street work or chip and seal for 10 years. These things need to be addressed to protect what the city has. Mayor Thueson continued by saying the city of St. Anthony has never said they will do away with the fire department. The council and mayor have nothing against the volunteer fire department. They do a fine job. It doesn't make any difference who calls the volunteers to come to a fire. Mayor Thueson said he firmly believes the Sheriff's Office can dispatch the fires. Thueson said he went to see their system, there are professionals there with state of the art equipment and the fire department is not fully utilizing this same equipment. Using the Sheriff's Office doesn't lengthen the response time. Thueson said we have smart, intelligent volunteers and if they put their heads together they can come up with a solution. Mayor Thueson reported on attending a mayors meeting in Chubbuck. He asked those in attendance how they handle their fire department and volunteers. By far the majority is volunteer. There isn't a single one that dispatches from the fire department. The cost was from \$0 to \$25,000 per year. When told it cost \$250,000 in St. Anthony that was unheard of and it doesn't have to be that way. Mayor Thueson said the city needs to change the way things are being financed. Mayor Thueson proposes the city change the way fires are dispatched, hiring one fulltime person, and the city would pay for half that salary with the district paying for half. We would continue to service and take care of our trucks and pay for our portion of the utilities and other expenses. Mayor Thueson said as of October, the fire department will be dispatched from the Sheriffs' office. This saves not only the city money but the fire district the same amount. The sheriff already dispatches for Island Park, North Fremont and Hamer. Councilmember Willmore said he appreciates the fire department; they have been great to work with. However, he gets the feeling that the fire volunteers are working against the city. He would like to hear from them to see if they have any ideas. He agrees with the mayor and council needs to look into it. Last year, hard decisions had to be made and this year doesn't look any better. Mayor Thueson asked the volunteers to submit their bills with a signed invoice, just like every other department head. The city is trying hard to work with the fire district and the city only wants to have the same level of revenue support as the district patrons. Right now the city pays twice as much for fire control as South Fremont Fire District patrons. Thueson said he didn't think the city should be subsidizing the district residents and the district residents shouldn't be subsidizing the city residents. All the city is asking for is to be treated the same. Thueson said he can not understand how refusing to annex the city helps the district. By annexing the city the fire district would get

\$50,000 in tax revenue, by not annexing, they get nothing. The fire department can make it work if they talk to us and ask for what they need. They would probably get what they ask for. The fire department needs to report on their needs to get what they want.

Councilmember Andersen said he has always felt that for as long as he remembers why there were two departments and why there is duplication of equipment working the same area, working out of the same building. Also, the difficulties of keeping things separate. Andersen thinks the taxpayers would be better served with one department, but if there is going to be two, they should be completely separated. Councilmember Stoddard commented he agrees, but it's a very emotional issue. The biggest concern is the public isn't educated and they still don't know all the facts. It may be to the city's benefit to spend a little time to educate the public and to provide them with the facts. Andersen said that the district might be interested in negotiating. However, he didn't know how they could get the two together to negotiate. Mayor Thueson said he could invite them to one of our meetings. Biorn said he has had a lot of time to think about this. What does the city do if not annexed into the district? Several ideas have been presented. Biorn thinks it's important to look at options. It's foolish to assume just because the city was not annexed, the dispatcher's jobs are saved. The city is responsible for half of the revenue to the district. And the city will decide how to spend it, not the district. Biorn continued by saying now the district wants the city to pay for the district's bills and the city will no longer be a slave to the district. Biorn suggested a number of options. First, there is an assumed separation, and to make that separation official, calling for our own fire chief. The city could move our trucks out of the building and call for our own volunteers. Biorn said it would be a duplication of services, but thinks the city can do it cheaper. He said the district does it for \$100,000 and thinks the city can do a one and a half mile square city for that amount or less. To do that the city would pull all of its money out of the district. Biorn said he answers to the city citizens not the district citizens. Currently the dispatchers are city employees and if they don't meet the city's budget the city can let them go. Biorn says the city should tell the district the dispatchers will no longer be on the city's payroll and to be ready for that beginning October 1, 2010. If the district chooses to pay for employees they will need to do their own payroll. Biorn asked about hiring contracted employees. The city can no longer hope to be annexed into the district. Thirty years have gone by and this has not happened. The odds that the district patrons will want to increase their levy to the same level as what the city residents are paying is, in Biorn's words, laughable. Biorn said there is no benefit to the district patron to increase their tax levy to that amount. What needs to be done is the city needs to take care of the city. Other council members wanted some time to think about the suggestions. One person in the audience later identified as Steve Lundquist, a volunteer fire fighter, spoke saying communication is needed. Lundquist said there is some confusion on how items are run. Mayor Thueson said it would be nice to have communication to know how things are run. Attorney Forsberg said, as a taxpayer, the volunteers voted to be South Fremont Fire District's Fire Department, so there isn't a St. Antony volunteer department. Biorn said the volunteers want a request form the city in writing asking them to fight fires in the city. Forsberg said we do have a mutual aid agreement with the district. Forsberg asked the volunteer present, who sent out the letter to the community, since it wasn't signed by anyone. Lundquist said it was sent out by the volunteer fire fighters. Forsberg asked about the number of incidents responded to in the last year and how many were inside the city limits. Lundquist wasn't sure. Forsberg asked if there was someone there at the fire department that could provide that information to the city. Lundquist said the city should just make a call to the department for information. He said there are currently 20 volunteers. Lundquist said the biggest problem is losing the dispatch. Thueson said he believes there does need to be someone hired to take care of the equipment, building and trucks, just not 24 hours a day. Andersen said he had hoped the district would have annexed the city in and then they could

have decided how to spend all the money for everyone. Biorn said originally when this was presented to the district; concessions were made, including offers of the fire trucks and equipment to the district. However, Biorn has since changed his mind, since they said no to annexation. Annexation of the city has to be the first step. Councilmember Bagley thanked Lundquist for coming to attend their meeting and answering questions. Mayor Thueson agreed and said he would like to see more volunteer fire fighters at city council meetings.

MAYOR, COUNCIL & DEPARTMENT REPORTS

Police Chief Jim Smith said ATT would give more in rent (\$191 per month more) if the city removes our items from the tower. Cost to remove the items would be around \$2000 to \$2500. Councilmember Bagley said she would like to budget for this and would like this item added to the Finance Committee's next agenda. Smith reported on ATV/ UTV use on city streets. The state has indicated the requirements are having a driver's license, a license plate and insurance to be able to drive on city streets. No other safety equipment is required. The radar trailer is currently being stored at the school building, thanks to the school district. Keith Richey says there may be possibly funding for a disaster drill. Bagley reminded everyone to make sure funding is secured before having the drill.

PWS Butigan reported on the East Main project and LHTAC (Local Highway Technical Assistance Council) is reporting there is no additional funding for any change orders or overruns. The curb and gutter is the city's responsibility and will cost about \$11,200. Butigan spoke to both Depatco and H-K and H-K provided a better price. Concrete should be poured by next week and everything is running on schedule. Knife River is lowering manholes and will be doing another test strip on Saturday for the Bridge Street project. If they meet criteria and compaction they may start the first part of next week. The city will be getting all the material off the project. It will be a lot of material. The city will need to have someone to work through the night to stock pile the material. The county is also interested in some of the material and Butigan will see if the county will work a crew through the night to help stock pile in exchange for the material they want to use. Butigan reported going to Lewiston to bid on the grader and the roller. The city was able to get the grader and the roller both for a total cost of \$18,500. It will be delivered sometime next week. Oil has been ordered to do enough road for three miles of road. Six miles of gravel was ordered, since they only crush this year and not next. Next meeting, the council needs to declare the old grader as surplus.

Attorney Forsberg reported the county commissioners said they could take everything of the millings out to the stud mill, as that has been declared culturally cleared. Forsberg said it would be prudent for council to begin preparations and a negotiating position for the South Fremont Fire District. The city needs to have some alternatives in hand in case the Fire District refuses to fight fires in the city. After some discussion, council all decided they wanted to work it out either in council or in special meetings, if necessary. The city needs to have some mutual aid agreements with other departments to prepare. Forsberg will assist the mayor in preparing letters to the Fire District and the volunteers asking them attend our June 10, 2010 meeting.

Clerk Parkinson provided council with news releases from the Chamber of Commerce on Fisherman's Breakfast, Flower Power, Community Bulletin Board, the Farmer's Market and the Chamber's Web Site. Parkinson also reminded everyone of the annual Greenway Clean up on Saturday, May 15, 2010. Everyone is meeting at 9 a.m. at the Exxon sign, the

entrance to the Greenway. Parkinson also provided council with an update on the Fort Henry Commemorative statue. Parkinson reported on reading the meters for the first time since November 2009. So far, things are looking pretty good. Parkinson also provided council with an addendum to the 2010 Eastern Idaho residential Water & Sewer User Rates & Connection Fees Survey as well as the Spring 2010 Idaho Community Trees report and the minutes from the Personnel Committee Meeting and the Finance Committee Meeting.

Councilmember Bagley reported on attending the Chamber meeting. The Chamber has a question on how the city will provide for donation to the Flower Power project. The agreement was a 30% match of community donations to a maximum of \$2000. They need to show the community commitment and provide the city with an invoice. Clerk Parkinson said Sherri Jackson from the Chamber came and asked if they could run their payroll through the city. Parkinson said council never agreed to do that. Mayor Thueson said Jackson had also spoken to him about it. Thueson said he invited Jackson to the next council meeting to again discuss this with council if she would like to change council's prior decision. Bagley also reported meeting with the police department. The police department will work with county in obtaining an agreement in case the police need to have fuel during an emergency. They will also be getting some MREs (Meal Replacement food rations) from the county. Bagley said in the event of an emergency council needs to be ready to leave their families and be prepared.

Councilmember Powell said one flag has been replaced at Keefer Park and it looks much better. Councilmember Biorn suggested power washing the buildings to make them look better. Powell said she would check into it. Butigan said he would follow up.

Councilmember Andersen asked if council is interested in budgeting for cloud seeding and to try and budget up to \$2500. The Finance Committee will review and make a recommendation to council.

Councilmember Biorn asked that any committees that have meetings are not making decisions at those meetings, but making recommendations which will be presented to council for their decision. Attorney Forsberg said there are some things committees can do, i.e. based on ordinance certain powers are delegated by council. For example the individual hangar leases through the airport board.

Councilmember Stoddard had nothing to report.

Councilmember Willmore reported on the Personnel committee. Recommendations will be added to the council's next agenda. Willmore attended two commissioner meetings in regards to the airport. The city and county are working on a joint powers agreement which will be presented to council when completed. Willmore needs Butigan to help with the budget for snow plowing and other items for the Airport fund. The county will also participate with work, i.e. plowing, crack sealing, etc.

Mayor Thueson asked if the fire truck has been repaired. Councilmember Biorn said it will be picked up in approximately three weeks for repair. Thueson said a check for \$150 was received from The Development Company to go towards flowers. The check will be turned over to the Chamber of Commerce.

INVOICES & CLAIMS - Payment Approval Reports were presented to Mayor and Council.

A motion to pay the invoices and claims was made by Councilmember Andersen and seconded by Councilmember Biorn. All council members were in favor. Motion passed 6-0.

MINUTES - Regular Council Meeting Minutes of April 22, 2010 were presented to Mayor and Council. A motion to accept the Regular Council Meeting Minutes of April 22, 2010 was made by Councilmember Stoddard and seconded by Councilmember Bagley. All council members were in favor. Motion passed 6-0.

There being no further business to come before the Council the meeting was adjourned at 10:00 p.m. by Mayor Thueson.


Neil Thueson, Mayor

Attest:


Patty Unruh Parkinson, City Clerk-Treasurer

