

*CITY OF ST. ANTHONY
REGULAR COUNCIL MEETING MINUTES
May 27, 2010 – 7:00 P.M.*

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

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

ABSENT: Mayor Neils Thueson

ALSO PRESENT: Public Works Superintendent (PWS) Scott Butigan, Police Officer Terry Harris and approximately four interested citizen.

The meeting was called to order by Council President Woody Andersen at 7:00 p.m.

PLEDGE OF ALLEGIANCE was led by Councilmember Powell.

GENERAL BUSINESS

Roxy Theatre / Bert Flamm – Bert Flamm, Chair of the Roxy Theatre Foundation, came before the council to discuss the request of Kathy Hayward who is interested in buying the Roxy and restoring it into a movie theater and pizza place. There has been some concern about several events held at the Roxy, such as the Cowboy Poets, 24th of July plays and other community events. Flamm stated they are having a hard time keeping a full board of members and the use of the Roxy is very limited. The foundation still maintains the building and they are able to do this by renting the marquee. They are ready to continue to function in this capacity for as long as city council is interested in them doing so. Flamm said council should look at the best possible options to consider for the facility as is, either selling or leasing it. The building is not going to be registered as a historical site, as it is not old enough, but could someday. The building is unique and people that use the building like its acoustics. Councilmember Andersen stated insurance is maintained by the city, as the building belongs to the city. Andersen asked if the Roxy Theater Foundation is still interested in the lease or not. Flamm said if the building is sold and not leased, then the city may lose any possibility the building ever becoming a historical site. Andersen said if the building is subleased, without having the city attorney's opinion, he thought it would lose its tax status and insurance coverage from the city. Flamm said they have not entered into any long term sublease; however they have rented it for short termed events. There have been grants in the past. The Foundation was able to get these grants based on the property being owned by the city. This could all change if it were sold to a private individual. Flamm stated he has had a lot of people say they like what they have done for the Roxy, but a lot of people have never been in or take a look at what it has to offer. Councilmember Biorn said according to the city attorney it has to go up for bid. He is not sure subleasing is the way to go. Biorn asked if the Roxy Foundation is willing to release the lease so the city could lease the building to someone else. Flamm said this has not been talked about, but he has not been able to make contact with the board to discuss further. Flamm said they have not had a direct discussion, but this is something they will consider and report back to the council. Council had no further questions. Kathy Hayward, the interested party, would like to have her business up and running by the 1st to mid July and ready for the 24th of July celebration. Hayward said her interest is in restoration and to get it on the registrar of historical

landmarks. They would like to show movies and to have live productions, dance recitals, special Olympic dances, Cowboy Poetry and they would also like to have acting classes available. Hayward understands there is a lot of work to do. Flamm said the last time an attempt to make the Roxy into a theater was in 1981. He remembers they said they would be showing family movies and he remembers attending and there were limited ticket sales and they couldn't make a go of it. Flamm stated the Foundation could have a recommendation back to the council as soon as they have a meeting. Council decided to table this item until the city attorney can review the lease with the Roxy Foundation and review with council their options for the property.

Fence at 406 W 1st S / Kasey Hull (Butigan) – Kasey Hull, 406 West 1st South, came before city council to ask for permission to put up a fence on her property. Hull reported speaking to someone at the county offices and was informed a zoning permit wasn't required. Once they started to build they received a stop work order to stop building from the City. The work order indicated no permit was purchased and the fence they were building was on city right of way. Hull provided papers and photographs to council to refer to in her presentation. She said the shed is clearly in the property line and the fence is well within the west side of the shed. She said she was told by the prior owner that this is where the property line is. An easement was granted by the city to the Hull's for their septic system, since the city was unable to provide sewer services to them. Hull referred to Page two of the Easement and Use Agreement, section 2.3(b) "No permanent building, structures, trees or other improvements except the permitted septic system and an appropriate fence enclosure shall be placed on or permitted to encroach upon the City's property." Hull reported that Schiess & Associates completed a survey and she was told a fence could be placed 10 feet from the existing pavement. Hull is requesting the current fence being built be allowed so she can complete it. Councilmember Biorn asked if the fence is in the way. PWS Butigan said the fence is clearly in city right of way, and ordinance does not allow for anything to be built in the city's right of way. Butigan could not find a survey marker and so based the decision on the existing right of ways on that street on the east side of her house is behind the telephone poles. The street has not been vacated. It is a dead end street. Butigan said if Hull has legal documents stating the property is hers, or it was sold to her, then that could change everything. However, nothing has been brought to council. Butigan said at the time he spoke to Hull he wasn't aware of the easement for lots 4, 5 and 6 but there is also no easement for lots 1, 2 or 3, where the fence is going. Hull said Schiess & Associates were unable to find survey markers. Butigan said there are no utilities in this particular right of way. Councilmember Stoddard asked if the city needs the right of way. Butigan said currently the garage is in the city right of way. Hull said she is still currently trying to research this to find out if the city ever deeded the property to the prior owner. Councilmember Biorn asked Hull to first get a permit for the fence. Councilmember Andersen suggested Hulls learn where their property is by survey. Biorn suggested Planning and Zoning Committee review this request and give council a recommendation. Butigan said this is the homeowner's responsibility to show proof of ownership and/or release of right of way. Andersen said if a lease is done there is going to have to be survey. Hull said her fence posts have been placed in cement and asked if she can complete the fence and if needs to be moved, she can do it later, as her concern is the safety of her two year old child. Andersen said there is a stop work order in place. Butigan said they have a choice to lease the property or move the fence. Bagley asked if Hull's are willing to lease the property. Hull believes they own the property. Stoddard suggested obtaining a legal description and getting the property surveyed. Butigan said the fence can be put up as planned and if it is

determined the property doesn't belong to the Hull's then they can lease the property from the city or they will have to tear the fence down. Council agreed to these conditions and asked for Hull to come in and get a fence permit.

Chamber of Commerce request to have city payroll flower employee / Sherri Jackson –

There was not a representative present from the Chamber of Commerce. However, Council discussed the question of allowing the city to provide pay roll services for one flower person. Councilmember Andersen stated this is a Chamber project and he would like to see the City continue with their agreement with the Chamber and not provide any accounting services. None of the revenue is being collected, and if it was, the budget would have to be amended to show those revenues and expenses. Councilmember Stoddard said council did agree to provide the service of collecting revenues, however, since then the Chamber has opened their own account and have been fully responsible for collecting all donations. A motion to deny the Chamber's request to provide pay roll services was made by Councilmember Powell and seconded by Andersen. All council members present were in favor. Motion carried 6-0.

Chamber of Commerce Invoice for Donation – An invoice for payment from the Chamber of Commerce for \$2,000 was presented to council. City council previously committed to the Chamber of Commerce a donation towards the purchase of flowers if, in fact, the Chamber was able to raise funds. The commitment was for 30% of donations up to a maximum of \$2,000. The invoice indicates the total raised was \$6,950.34. Councilmember Bagley reported the amount raised includes committed funds from Fremont County. It does not include the \$2,000 committed by the city. Council discussed if the funds from county should be included. Council agreed they should. A motion to pay the invoice for \$2,000 was made by Councilmember Stoddard and seconded by Councilmember Willmore. All council members present were in favor. Motion carried 6-0.

Chamber of Commerce request to use parking lot for Farmer's Market / Cathy Koon –

Koon was not present. The Chamber of Commerce has requested the use of the city's parking lot in front of city hall for their Farmers Market. Councilmember Bagley said the Chamber had discussed going to the Pioneer Days Committee and confirming with them whether or not they could operate the Farmers Market on the 24th of July. A motion to approve the use of the city parking lot for their Farmers Market, excluding July 24, 2010, was made by Councilmember Biorn and seconded by Councilmember Powell. All council members present were in favor. Motion carried 6-0.

Declare Grader as Surplus – Councilmember Stoddard asked where the proceeds from the sale of the grader will go, if declared surplus and sold. Butigan reminded council it would be used to offset the just purchased newer/used grader. A motion to declare the grader as surplus in order to sell at a minimum starting bid of \$10,000 was made by Councilmember Willmore and seconded by Councilmember Biorn. All council members present were in favor. Motion carried 6-0.

Personnel Committee Recommendations (Willmore) – Councilmember Willmore reported on the recommendations the Personnel Committee would like to make to council. The City of St. Anthony wage scale is recommended for updates, including a 3.1% Cost of Living Allowance (COLA). This will be reviewed by the Finance Committee and then later presented to council for approval during their budget hearing. The Personnel Policy's section on evaluations was recommended for updating, as well. Councilmember Biorn asked for this

item to be tabled until the following meeting. Council will ask for a draft of the Personnel Policy with its changes to be presented to council at their next council meeting. Item tabled for next meeting.

INVOICES & CLAIMS - Payment Approval Reports were presented to Council. A motion to pay the invoices and claims was made by Councilmember Willmore and seconded by Councilmember Bagley. All council members were in favor. Motion passed 6-0.

MINUTES - Regular Council Meeting Minutes of May 13, 2010 were presented to Council. A motion to accept the Regular Council Meeting Minutes of May 13, 2010 was made by Councilmember Stoddard and seconded by Councilmember Biorn. All council members were in favor. Motion passed 6-0.

MAYOR, COUNCIL & DEPARTMENT REPORTS

Police Officer Terry Harris reported the police department is starting to do a seat belt grant. The police department would also like some cut off switches for their vehicles due to problems they are having with the newer electronics, as they will turn themselves on if they receive a pulse of electricity and then draw down the battery causing dead batteries on the vehicles. Installing cut off switches between the electronics and the battery should eliminate this problem. The total cost estimated for installation of the cut off switches is \$3,708. Councilmember Bagley indicated she thought there was money in the budget to pay for the switches. A motion to approve the cut off switches only was made by Bagley and seconded by Councilmember Willmore. All council members were in favor. Motion passed 6-0.

PWS Butigan reported on the progress of the ongoing road work and stated they are coming along well. Work is scheduled through the 27th of June. There are some issues with the concrete and certification, but that seems to have been resolved. Some of the curb was placed in too high and so crews had to cut sod and add dirt and replace sod to some properties. This will allow for better draining. Crews will begin chip and sealing on West 4th North. Third Street, where the gravel road is, will be worked on as time allows. Crews will be doing three miles of road and the county will spread and help the city put the gravel down. There is enough gravel for three miles of roads this year and three miles for next year. Our roads are much wider and so require more gravel. The new grader and roller have arrived. Butigan reported the city's roads are getting worse and worse. Councilmember Biorn believes after this year and next there should be a fair amount of money which can be dedicated towards streets.

Councilmember Willmore reported he received a call from Bill Statham, Project Manager Idaho Aeronautics, on a grant for a fence and Statham believes there is some money available. Keith Ritchey, Coordinator of the Fremont County Emergency Management, is reworking the grant and it will be re-submitted. Hopefully, Ritchey should hear back sometime in July. Red Baron Ag has started their concrete pad. Shupe Flying Services will be paying for some of the road tailings for work next to his hangar and pad. Willmore reported that some of the lights need to be repaired. Butigan said it will be done as crews can get to it. The curb and gutter changes on East Main have been applied to the Waste Water Phase III Project match.

Councilmember Stoddard reported Dr. Hill has offered to donate and plant some trees in front of his business, Back Country Chiropractic. He has asked the city what type of tree he

should plant. Parks and Recreation is concerned about receiving a grant and then those trees would not be within the proposed grant. However, Stoddard spoke with Mayor Thueson and they decided they will allow Hill to plant the trees with the knowledge that if the city were to ever receive a grant there may be a possibility the trees would be removed. Stoddard also said there is little attendance to the Parks and Recreation Committee and asked for recommendations of volunteers.

Councilmember Biorn provided a letter to council from Bob Fisher of the South Fremont Fire District. The letter indicates the District has been unable to meet with County Clerk Abbie Mace in regards to the tax levy. Fisher wants to know if the city is willing to contract with the district in lieu of the shared expenses. Biorn wrote back to Fisher saying he did know a way to make things equal for everyone and proposed a special meeting between the City Council and the Fire District Commissioners to have an across the table discussion of options where the City and District can then go forward from. Fisher did reply and said he couldn't speak for the other commissioners but they would be willing to meet, just not in the evening. Biorn asked if council would be interested in having a meeting with the South Fremont Fire District Commissioner sometime during the day before the June 10th council meeting. Council agreed the soonest they could meet would be at 6:00 p.m. Biorn is concerned the city, if they should contract for fire services, may end up paying more. Councilmember Stoddard remembers the city attorney recommending the city not enter into a contract for services with the District. Biorn said it is still his opinion the first step is city annexation. Council can always vote at that time, after annexation, to fund the fire district until the tax levy is assessed to the citizens, giving the district plenty of time to have an over ride election for the tax levy. Councilmember Andersen said if there is a special meeting it would be considered a public meeting, since all the council members and commissioners would be present and will therefore meet the five day requirement for notice. Biorn will contact Fisher and invite him and the other commissioners to attend the June 10th meeting. Stoddard was concerned about the upcoming proposed budget and the effects this meeting may have on the budging process. Biorn read the letter to the volunteers from Mayor Thueson requesting the volunteers to continue to fight fires in the city and inviting them to the June 10th City council meeting. Council suggested Attorney Forsberg mediate this special meeting.

Councilmember Andersen had nothing to report.

Councilmember Powell reported Clerk Parkinson has worked with Rocky Mountain Power, changing some of the electric rate schedules on some of the buildings and pumps. Parkinson indicated there could be a savings upwards of \$11,000 per year. Most of it will be coming from one of the pumps. Powell said these accounts should be reviewed at least every other year for possible rate schedule changes. Powell also said carpets will be cleaned in the city offices as soon as it can be arranged.

Councilmember Bagley reported the Chamber had lots of things going on, such as the Farmers Market, the Arts Council, Flowers and the Free Fisherman's Breakfast. Bagley didn't know if the Arts Council would be requesting for a waiver of the park reservations fees. Tomorrow, city staff will be at the Fisherman's Breakfast giving away free dog tags to city residents. Free tags will also be issued throughout the month of June as well as August 26 at Summerfest.

PUBLIC COMMENT - There was no public comment.

There being no further business to come before the Council the meeting was adjourned at 8:40 p.m. by Council President Andersen.


Neils Thueson, Mayor

Attest:


Patty Unruh Parkinson, City Clerk-Treasurer

