

*CITY OF ST. ANTHONY
REGULAR COUNCIL MEETING MINUTES
June 24, 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, Bryan Stoddard and Woody Andersen.

ALSO PRESENT: Public Works Superintendent (PWS) Scott Butigan, Police Chief Jim Smith, City Clerk/Treasurer Patty Parkinson, City Attorney Bill Forsberg and approximately 11 interested citizens.

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

PLEDGE OF ALLEGIANCE was led by Chief Jim Smith.

GENERAL BUSINESS

Lease request alley-way 844 S 1st E / Wendell Greenhalgh (Butigan) – Wendell Greenhalgh, 844 S 1st E, said he has been using the city's alley way for about 15 years. He said he wanted to purchase the alleyway, but the city is still using the alleyway. He said if the city ever would decide to give up the alleyway, he would like to purchase it. He said there are services connected and they could be serviced from the other side of the street. Greenhalgh said in the winter he uses it to park off the road, as his property doesn't allow for parking any other place. Greenhalgh asked if he could not purchase the piece of property if he could lease the right of way from the city. The alleyway ends at the canal. Mayor Thueson asked council if they had any questions. Councilmember Stoddard had questions about a previous citizen making a similar request and wished to contact that individual to review her request again. Councilmember Willmore thought that request was to build a house. Mayor Thueson asked staff to review after the meeting with that citizen. A motion to lease the described property to Greenhalgh using the standard city lease at the standard annual pricing was made by Councilmember Biorn and seconded by Councilmember Bagley. All council members were in favor. Motion passed 6-0.

Fireworks Permit (Broulim's Store) – Clerk Parkinson provided a fireworks permit submitted by Broulim's to sell fireworks from inside the store. A motion to approve the fireworks permit to Broulim's to sell fireworks from June 25 to July 24, 2010 was made by Councilmember Willmore and seconded by Councilmember Powell. All council members were in favor. Motion passed 6-0.

100 foot Drag Races (Willmore) – Councilmember Willmore asked Don Powell, race organizer, to speak about the races. Powell said he thought the last races were very successful. Mayor Thueson asked if anyone in the audience had any objections to the races. No one had any objections or comments. Chief of Police Smith had no objections. A motion to allow the 100 Foot Drag Races to be held September 4, 2010 at the airport was made by Councilmember Stoddard and seconded by Councilmember Andersen. All council members were in favor. Motion passed 6-0. Powell gave a short report on the number of vehicles, about 60, and about 100 spectators.

Spring Clean Up Letters – Mayor Thueson opened the floor to allow the invited property

owners a chance to discuss with council the letters sent to them on their properties.

Charles Reid, 925 South 1st East, was the first to speak. Reid said he needs more time. He explained he has cleaned up some. Reid said he should have it clean up by the end of July. PWS Butigan said the majority is behind a fence and not very visible from the road. Reid said he has a 57 Chevy, unregistered, and two other vehicles he is trying to restore and they are not registered. Councilmember Bagley requested a background on these letters. Butigan gave a brief history of the annual spring clean up, saying letters originally started with past Mayor Beck and are done annually along with the Annual Spring Clean Up done in conjunction with Fremont County. Attorney Forsberg said there are ordinances in place to deal with these types of properties. There is a nuisance ordinance as well as a zoning ordinance. Butigan uses a set order of established criteria and picks the properties. Unsightly properties and/or properties with more than one unregistered and/or inoperable vehicle are chosen. Forsberg said if a vehicle is not registered it can not run or park on the street legally. Mayor Thueson said we are in close confines in town and so these ordinances are important to maintain with in the city. Forsberg said, at this point in time, it is up to the city council to decide what to do. The city can issue a misdemeanor or decide to clean up the lot and expense it to the citizen. Reid asked for more time, until the end of July.

David Dillmore, 140 East 4th North, said he has been working on his property and has been working on a home renovation, which has caused some of the trash in his yard. Mostly what is left are some items for a yard sale and he has been waiting to do that and expects to get rid of a lot of the stuff then. Dillmore would like to have three or four more weeks. Many of the items will be going back into the house.

Lorraine Crockett, 650 South 2nd East, said she has a problem with the vehicles and grass growing up. She has a neighbor that has purchased the car. She provided Mayor with a letter of that purchase. Butigan said there are appliances in the yard as well. Crockett said she has flooring and roofing material in one pile and a "cat" house with a heater for her pet cats along with a stove. She said her husband is disabled and doesn't have the means to move the items. Crockett said she has contacted the bishop and Bishop Thompson said they will have a clean up day to help her. She would like to keep her building supplies, since she is remodeling the house. Crockett asked for until the end of July, like everyone else. Forsberg said the ordinance allows for temporary storage to construct, but if it is rolling over into another construction season then it should be stored off of the property. Butigan said this is not something that just happened this summer. It's something that has been going on for a considerable amount of time.

Council members then reviewed photos of the different properties still remaining for clean up. Officer Harris also spoke about fire fighters and to imagine how difficult it would be to try and fight fires around all those items left in the yard.

Mayor Thueson said Rich Nagle, 484 North 2000 East, contacted him today and asked if he could have more time to contact his renters. Mayor Thueson would like to extend the same amount of time to Nagle as the others, the end of July.

Council agreed to allow an extension until the end of July for those people that appeared tonight, after which a review will again be done.

Council discussed those that didn't appear. Butigan named those that have received letters in the past (last year), Karen Warner, Larry Bailey and Adelle Wilding. Councilmember

Bagley said those people that came today had valid reasons for not being able to clean up and had concerns about those that didn't even make the effort to come tonight. Councilmember Willmore said many people don't have the means to pay for the disposal of these items. Councilmember Biorn said the spring clean up was for helping the citizens and asked if we could add the \$25 for appliance disposal to their water bill. A motion to proceed to the next step by issuing citations to those that did not appear tonight was made by Councilmember Biorn. Willmore said he would prefer to issue a warning to give them more time. Attorney Forsberg said this is what the problem is, many letters have been written already with no response. Willmore said Karen Henderson made an effort and city crews hauled some and then stopped. Butigan said they hauled off as much as they could, saying the trailers couldn't be hauled off as the landfill will not take them and the city doesn't have the means or the funds. Butigan said he doesn't feel like it's the city's responsibility to clean up a person's yard. Mayor Thueson asked for a second. Motion died for lack of a second. Councilmember Andersen asked at what point the city can enter the property, clean it up and submit them a bill. Forsberg said they have had an opportunity for due process and the city can exercise their right to clean up at any time. Forsberg said the city has had a hard time recouping for the costs of such clean ups, since many of these individuals do not have a lot of money. Forsberg said the city can take a lien, bill through their water bill or some other special assessment attached to the real estate. Andersen suggested another letter be sent out with a deadline, then if not cleaned up the city will clean it up and they will be billed. A motion to authorize the city attorney to send a letter to those who did not respond to tonight's meeting with the date of July 31 for final clean up after which the city will complete the clean up and then bill the property owner was made by Andersen and seconded by Willmore. All council members were in favor. Motion passed 6-0. Forsberg will prepare and send the letter.

Appointment of Kelby Olsen to the Planning and Zoning Board – Mayor Thueson appointed Kelby Olsen to the Planning and Zoning Board. There were no objections from any council member.

Auction of surplus items – Bob Riley – Mayor Thueson spoke to Bob Riley an auctioneer about auctioning off some of the city's surplus items. The playground equipment is ready to be sold as well as the old grader. Mayor Thueson wondered if it would be a good idea to have Riley auction off the Roxy Theater. Mayor then asked if Councilmember Powell would report on the value of the Roxy.

Roxy Theater Surplus discussion – Councilmember Powell reported on the value of the Roxy Theater. A letter from Judy Hobbs was read by Powell regarding the value of the property. Hobbs' opinion was \$45,000 based on the recent sale of Targhee Lanes, next door. Council would like to sell the property. Attorney Forsberg said state law requires the city to initially auction the property in an open auction. Council can set a minimum bid and any other terms up to and including a contract for terms of up to 10 years. Mayor Thueson would like to auction for cash only, as the city is not a bank. Council members discussed the minimum bid. A motion to set an auction date with a minimum bid of \$45,000 and include any other of the city's surplus items was made by Councilmember Andersen. PWS Butigan said if Riley does it he may charge seven percent and we should do it ourselves and keep the seven percent. Mayor Thueson said we could do it ourselves right before a regular meeting. Councilmember Stoddard seconded the motion. Forsberg recommended a date and time be set with other criteria from the buyers. Andersen retracted the motion and to not include any other property. A motion to hold an auction on the 22nd of July at 6:30 in the City Hall Council Chambers for the purpose of selling the Roxy Theater at a minimum bid of

\$45,000 with a bid bond of 10% payable by the successful bidder at the time of auction with the balance in cash at closing was made by Andersen and seconded by Powell. All council members were in favor. Motion passed 6-0. Councilmember Biorn asked staff to secure the building. Mayor Thueson asked Powell to contact Bert Flamm to get the keys to the building and to have any personal items removed. There is a renter above the building and that renter can remain, pay the city his rent, until the property is sold. The new owner can then either rent or not.

Mayor Thueson called a five minute recess.

PUBLIC COMMENT – Mayor Thueson opened the floor for any public comment.

Pat McCoy, 425 E. Main, asked if the city requires business licensing. McCoy asked if the ice cream truck, currently operating in town, has a license and if the city knew what they were selling or if the health department knew anything about them. She said about two or three weeks ago the truck was going up and down the streets on a rainy, wet, windy, cold day and no one was out and she wondered why the ice cream truck was going up and down the streets so slowly. McCoy said Fremont County has no business licensing. McCoy would like to know if the city could find out if they are a safe business. No one seems to know who is running it and what they are selling. Mayor Thueson said all people should be cautious of whom they are making their purchase from and the city can not protect everyone from everything. McCoy said she was still concerned since many children go to the Sandbar Park with no adult supervision. Councilmember Biorn suggested the vehicle has a license plate and the city can find information through city resources and can check up on the owners of the vehicle. Attorney Forsberg said the Chief of Police can visit with the truck driver. Mayor Thueson said the city will ask Chief Smith to make contact with the driver and to report back to council.

Pioneer Days Car Show request to block streets / Allan Parker - A motion to add to the agenda a request to block streets for a car show, as it may otherwise delay business that needs to take place tonight, was made by Councilmember Willmore and seconded by Councilmember Biorn. All council members were in favor. Motion passed 6-0. Allan Parker 135 W. Main, said in the past St. Anthony Motors has had a Corvette and Custom Car Show around the 24th of July. Parker said they would like to do the car show on the same day as Summerfest, August 26. Parker said they do not have room to do it on their property and would like to close off at least one block of the street, any street would be okay, maybe the second block on main street. Chief Smith didn't see a problem with this request. PWS Butigan was concerned as the city has a limited number of barricades and they may have to provide their own barricades. Parker didn't think he would have a problem finding more barricades. Mayor Thueson said the Summerfest Committee should be contacted to work with them about this event. Parker said he would talk to them, but first wanted to make sure the city was okay with the road closure. A motion to allow the street to be closed for the St. Anthony Motor's Car Show was made by Councilmember Stoddard and seconded by Councilmember Powell. All council members were in favor. Motion passed 6-0.

Acquisition of School District Property – Tennis courts – Mayor Thueson said the school district may be interested in giving the tennis court property to the city in trade for the Satellite Center. Attorney Forsberg said he checked into any obligation the city may incur by assuming the ownership of the tennis courts. Forsberg spoke with Kathy Muir, Idaho State Grant Coordinator with the Idaho Department of Parks and Recreation, who reported back by

email, saying the inspections show maintenance and upkeep of the tennis park has been an issue for a long time. She counseled the city not to take on this responsibility unless they intend to resolve the issues associated with the site. This would mean cleaning it up, changing the use, or going through the conversion process to resolve the issues. Forsberg read the email in its entirety. Forsberg said Muir told him they are quite serious about administering this program and ensuring those properties not being kept up in an acceptable fashion, may eliminate the owner of the property from obtaining future grants. One option is to change the use type or transfer to another property and Muir seemed acceptable to any options. This can't be transferred to another property already existing with a recreational use. Mayor Thueson asked again if the council would be interested in the property if given to the city. Many council members were undecided. After some discussion, Mayor Thueson said this item will be tabled until some time in the future, if and when, the school may ask the city to take it.

Resolution for parking fee for Recreational vehicles – Chief Smith said the city has an ordinance where the resolution for this issue was never made. There is a prior ordinance with a fee associated. The fee set on the prior ordinance is \$2.50 per day for a five day limit with a maximum of up to 25 days in on year. Councilmember Biorn said the intent is to know people aren't living in their recreational vehicles permanently. A motion to establish a resolution for no parking fee for recreational vehicles was made by Councilmember Powell and seconded by Councilmember Willmore. Four council members were in favor. Two were opposed. Councilmembers Anderson and Biorn were opposed. Motion passed 4-2.

Finance Committee Report (Biorn) – Councilmember Biorn reviewed the draft of the Finance Committee Meeting Minutes. Biorn discussed the recommendations which will be made to council at the time of budget, including a minimum amount for inactive accounts, i.e. snowbirds, to not provide an increase to PSI (garbage contractor) until or unless they request an increase, and a franchise ordinance with Fairpoint Communications. Biorn reviewed the proposal for the fire department portion of the budget. \$62,998 is the difference in the budget. Part of the additional costs comes from unemployment benefits. This is what will be submitted in the city's 2010-2011 budget. Mayor Thueson asked Biorn to take this proposal back to the fire district to let them know the amount of funding being proposed at the budget hearing in August. Mayor Thueson said contrary to some news media, the city is not closing the fire department. The city is still proposing to employ one individual who will maintain equipment and to report back to the city. This will be a savings to the city of \$70,000. Mayor Thueson said currently revenues don't look bad, but they don't look good either and the city needs to be cautious about how to spend tax payer's money. Councilmember Stoddard said this budget is based on reimbursement from the fire district according to the current agreement. Stoddard asked if the fire department is obligated to reimburse the city at this time. Forsberg said this is the reason this is currently a proposal. Forsberg said if needed, the budget amounts can be adjusted.

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

MINUTES – Special and Regular Council Meeting Minutes of June 10, 2010 were presented to Council. A motion to accept the Special and Regular Council Meeting Minutes of June 10, 2010 was made by Councilmember Stoddard and seconded by Councilmember Powell. All council members were in favor. Motion passed 6-0.

Executive Session – A motion to enter into an executive session pursuant to provisions of Idaho Code 67-2345 section (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent was made by Councilmember Powell and seconded by Councilmember Bagley. A role call vote followed with Councilmembers Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard yes; and Willmore yes. Motion passed 6-0. Mayor Thueson dismissed everyone from the room except for the city attorney and the clerk.

A motion to exit executive session was made by Councilmember Biorn and seconded by Councilmember Bagley. A role call vote followed with Councilmembers Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard yes; and Willmore yes. Motion passed 6-0. Mayor Thueson reopened the room to continue with department reports.

MAYOR, COUNCIL & DEPARTMENT REPORTS

PWS Butigan – Third Street is mostly done. County is tentatively planning to chip seal sometime in July. East Main will be done Monday. The barricades will be down on Monday. Concrete was poured this morning. There will be two new handicapped parking spots on East Main. Sand will be hauled into the Sandbar on Monday.

Police Chief Jim Smith The sandbar is open. There have been some complaints of speeding in that area. Smith reported on attending the AIC meetings and one topic was power drinks with alcohol in them. A lot of drinks are hard to tell if they contain alcohol or not, since they look simply like energy drinks. The Silver Horseshoe is open and they may not be seeking an alcohol license. Smith said he still has concerns regarding the parking around the city building. Overall the changes are great, but sometimes there is no one in the building. Smith said he has discussed this with Mayor and asked if council may want to reconsider allowing the officer on duty to park next to the building after normal business hours. Smith said he talked with his officers and one made a mistake parking next to the building. Mayor Thueson said he didn't want any officers to park next to the building at any time and then to possibly review again in the winter, if necessary. Councilmember Powell said it can be checked out again at winter. Smith wanted to know if they could park in the diagonal parking when available. Council members agreed that would be fine. Powell would like the Police Only Parking signs out of the windows. Mayor Thueson agreed saying after hours they could use the diagonal parking. Mayor Thueson asked Smith to issue warnings when people park against the building.

Attorney Forsberg said the owner of the Silver Horseshoe said Kathy Hayward had expressed concerns to him that two members of the city council had told her that city council wouldn't be approving any further alcohol beverage licenses for the Silver Horseshoe because there were already too many licenses in the city. Forsberg assured the owner no member of city council would have said such a thing. Forsberg said the owner would talk to Hayward again and encourage her to make her application for license if she so wanted. Forsberg just thought he would report on the conversation. Forsberg also reported he is working on the joint city/county airport support agreement and will follow-up with county.

Clerk Parkinson needs any newsletter items by tomorrow. The last bond, the city has invested in, has been called. A meeting with the Finance Committee will be set up with Dale Green, the financial advisor from Key Services, to review other alternatives for the city's

investments. Parkinson provided the monthly financial summary. Parkinson also provided information from the Chamber. A claim for vehicle damages was presented today for damage to a vehicle while visiting the Sandbar Park. The claimant was requesting reimbursement for damages caused to his vehicle window from a rock being thrown by a weed eater. The police department was contacted to take the report and the report is being submitted to ICRMP, the city's insurer. Parkinson also gave council members an invitation from the Pioneer Days Committee to participate in the Pioneer Days Parade.

Councilmember Bagley – The Chamber of Commerce reports flowers have been planted throughout the city with the help of volunteers. The next Police Department meeting is scheduled for the 30th at 4 p.m.

Councilmember Powell had nothing to report.

Councilmember Andersen reported on attending the Annual Association of Idaho Cities (AIC) meeting, saying there was a lot of good information shared.

Councilmember Biorn said he contacted the State Fire Marshal as recommended at the last council meeting. The Fire Marshal said he couldn't provide a written statement, but did say the way things are currently set up at the fire station; it neither improved response time or safety and felt that it may be making response time greater. At the AIC conference Biorn had a brief conversation with AIC's lawyer, Jerry Mason, and spoke to Jim McNall from ICRMP and they were all of the same opinion. Biorn said the city is on the right track and should continue to move forward. Biorn also spoke to the Mayor of Idaho Falls. He recommended the city should do everything they could to mend the relationship even to hire a mediator. If that fails, then you have demonstrated to your citizens you have done everything to come to a reasonable agreement and it was all denied. Then when you move forward to your own fire department you have shown you have tried to come to a solution. Mayor Thueson said he has had no response from any of the letters sent to the volunteers or the fire commissioners. Mayor Thueson said something needs to be written up to explain the city's situation and put it in the newsletter and/or to publish it a week or so before the election and send it out to the tax payers in the fire district. Biorn said he felt it is our obligation as elected officials to inform the public, even if they are county citizens. Biorn said the people in the fire department are intentionally misleading the citizens in order to pass an override. Both Councilmember Andersen and Willmore said they would personally sign such a letter. Councilmember Bagley asked who would be paying for the postage. Mayor Thueson, Councilmembers Andersen, Willmore and Biorn said they will donate their own funds to mail the letter. The county clerk's office can provide a bulk mailing list of the South Fremont County Fire District patrons.

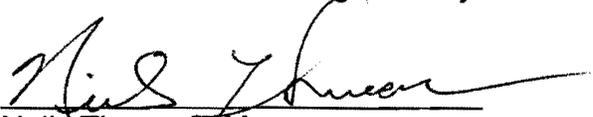
Councilmember Stoddard said there were 40 volunteers at the ball park making improvements. There will be 18 teams showing up tomorrow night to play ball. Garbage bins have been delivered and port-a-potties. The Upper Valley Youth Association has put a lot of money in to this, including fencing and care for the fields.

Councilmember Willmore had nothing to report.

Mayor Thueson wanted to know if anyone wanted to be in the parade. Mayor Thueson said he and his wife, Judy, may ride their horses in the parade. Mayor Thueson asked about

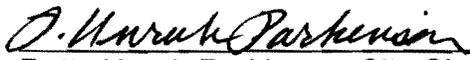
placing an easement at the airport to extend the current easement to the end of the runway, all the way to the Truss Plant. Attorney Forsberg said the only one to have a say would be the other owners of the lots. Every lot owner needs to sign off on this plan. This will be added to the Airport Board Agenda for their review and recommendation. Forsberg said there is a committee that governs the CCRs and the city should first have a meeting and invite all the lot owners. Mayor Thueson asked Councilmember Willmore to check into this and see how it might proceed for further review. Forsberg said an amendment will be drafted and it will be taken around to every owner. The engineers will have to provide a legal description or plat amendment to add to the amendment. This will be presented to the lot owners.

There being no further business to come before the Council the meeting was adjourned at 10:25 p.m. by Mayor Thueson.



Neils Thueson, Mayor

Attest:



Patty Unruh Parkinson, City Clerk-Treasurer

