

*CITY OF ST. ANTHONY  
SPECIAL COUNCIL MEETING MINUTES  
July 22, 2010 – 6:30 P.M.  
REGULAR COUNCIL MEETING MINUTES  
July 22, 2010 – 7:00 P.M.*

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

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

**ABSENT:** Councilmember Suzanne Bagley.

**ALSO PRESENT:** Public Works Superintendent (PWS) Scott Butigan, Police Chief Jim Smith, City Clerk/Treasurer Patty Parkinson, City Attorney Bill Forsberg and approximately 13 interested citizens.

The meeting was called to order by Mayor Thueson at 6:32 p.m.

**SPECIAL BUSINESS 6:30 P.M.**

**Roxy Theater Open Auction** – Mayor Thueson opened the floor for bids beginning at \$45,000. There were no bids for the Roxy for any amount. Since there were no bids, the floor was closed to bidding. Mayor Thueson then asked council how they might want to dispose of the property. Councilmember Biorn said council should ask if the original person interested in the property, Kathy Hayward, is still interested. Hayward was not present during the auction. Attorney Forsberg said the city can now offer the property in any other form, listing through a realtor or advertise in the paper or solicit offers. Mayor Thueson asked that Councilmember Powell contact the renter, Rod Taylor, and follow-up on any ongoing maintenance.

**PLEDGE OF ALLEGIANCE** was led by Councilmember Willmore.

**GENERAL BUSINESS 7:00 p.m.**

**Handicap signs for East Main (Butigan)** – Butigan would like to place a handicap space on East Main Street at the first parking spot closest to the sidewalk ramp. A motion to place a handicap parking space sign on the north side of East Main next to Bridge Street was made by Councilmember Willmore and seconded by Councilmember Powell. All council members present were in favor. Motion passed 5-0.

**Fireworks Permit discussion city liability (Forsberg)** – Attorney Forsberg reminded council Mayor Thueson had asked him to review if the city could permit individuals to display fireworks. Forsberg explained how the state (Title 39, chapter 26, state code) defines the person who can issue permits is the authority having jurisdiction. Within the jurisdiction of a city, it would be the city fire department. Since the city does not have a fire department, then the authority is the city council. Forsberg said he discussed this topic with ICRMP and state law does allow for the public display of aerial fireworks by private individuals. When issuing a permit, the displays must be supervised by a qualified person and will not constitute an unreasonable hazard to persons or property. A bond or valid certificate of insurance

providing coverage of up to \$1,000,000 may also be required as well as a permit fee of up to \$125. The permit is non-transferable and must indicate the date and place of the display as well as the types of fireworks that may be displayed. The 2006 Idaho Fire Code provides the details and guidelines for the display of different classes of fireworks. The city probably has the authority to issue such permits and it probably does not create any additional liability to the city. Larger cities, i.e. Boise, only allow the safe and sane type or those that are not aerial. Mayor Thueson asked about fire crackers being lit on the 24<sup>th</sup> of July. Attorney Forsberg said the city can allow the use of safe and sane fireworks, just as it permits them for sale within the city. If Class III fireworks are used then permits are necessary and approval should be required by the city council if they are using them within the city limits. Forsberg said all fireworks are labeled. The Fire District Chief is the person that would be the authority to approve the display of fireworks in the district, but since the city is not part of the district anything in the city would require council approval. Forsberg said the city code should be amended to be clearer. The language in the current ordinance doesn't allow it at this time. A motion to have the city attorney update the language in our city's ordinance was made by Councilmember Stoddard and seconded by Councilmember Andersen. All council members present were in favor. Motion passed 5-0. Attorney Forsberg was instructed to review and change the ordinance and to come up with a plan for a permitting process.

**Fence request Right-of-Way Kim Campbell (Butigan)** – Kim Campbell was not present and had called earlier to ask the clerk to be placed on the next agenda.

**Planning & Zoning recommendation Smokin' Deals Truck Parts** – Attorney Forsberg reviewed with council the application for a conditional or special use permit and/or a rezoning application of a property owned by Travis Froehlich of Smokin' Deals Truck Parts. This is currently zoned as a C-1, commercial. Smokin' Deals Truck Parts wants to use the property as a legal chop shop and resale. Parts are harvested off vehicles and repackage and sold either locally or outside the area. There were about 30 concerned citizens at the last Planning and Zoning meeting concerned about the possible rezoning. They were concerned about the type of business it was and if the property started looking bad because of the type of business. Smokin' Deals response was they have improved the property and placed a fence up and will operate responsibly. Planning and Zoning recommends to city council to allow for a special use permit with special conditions. The special conditions are a six foot privacy fence around the area where vehicles will be torn down, 10% of the property must be landscaped, a limit of 15 for vehicles to be salvaged on the property at one time, salvaged vehicles can only be on property for 30 days maximum, the hours of use from 7 am to 7 pm seven days a week and one year for the owner to comply with the conditions. Planning and Zoning decided to do a special use permit instead of a rezoning, as the rezoning would have required a larger section of properties being involved. Most of the people commenting negatively were satisfied with the fore mentioned result. Councilmember Willmore asked how it would be policed. Steven Loosli representative of Smokin Deals spoke saying when the property was purchased they believed they were in compliance until they received a stop order. Therefore, three concurrent requests were submitted to resolve the problem. As far as compliance, he said it is their intention to comply with the agreement. Loosli continued by saying this is not a standing junk yard. Vehicles are processed, stripped and then taken out of the area to a recycling center for smashing. It is the intent to hire people to assist with their work. Loosli said they are a local business hiring local people. The property is about an acre and a half. The 15 vehicles are the non-operating vehicles and separate from the vehicles that may be resold. Reselling of vehicles is already permitted in a C-1 zone. A motion to accept the recommendation of the Planning and Zoning Board for a special use

permit for Smokin Deals Truck Parts, owner Travis Froehlich, with the described conditions and with a special condition of revoking the permit after one year was made by Councilmember Andersen and seconded by Councilmember Biorn. All council members present were in favor. Motion passed 5-0.

**Wastewater Phase III Status Update – Schiess & Associates and The Development Company** – Mayor Thueson asked Ted Hendricks of The Development Company and Marvin Fielding of Schiess & Associates to provide an update on Phase III of the Wastewater Project. Hendricks reported the environmental is complete and everything is ready to go. Hendricks is completing the regular reports to the EPA and the state. Hendricks will work with the City Clerk and Schiess & Associates to prepare the bid documents. Marvin Fielding reported the plan and specifications will be sent by August 16<sup>th</sup> to DEQ and advertising to bid is expected August 24<sup>th</sup> and 31<sup>st</sup> or as soon as DEQ approves. They will be opening the bids September 9<sup>th</sup>. October 4<sup>th</sup> the bid will be awarded and the bonds are to be provided from the selected contractor. Hendricks asked Fielding to verify the length of advertisement for the STAG grant. He thought the city should plan for four weeks of advertising for the STAG grant, since it's an EPA grant. Clerk Parkinson asked about the completion date projected for the project. Hendricks thought the project would be finished by the end of next fiscal year. Mayor Thueson thanked Fielding and Hendricks for coming.

**Airport Engineering Fees for taxiway & fencing (Willmore)** – Mayor Thueson said the city attorney has spoken to Bill Statham, Project Manager, from the Aeronautic Division of the Idaho Transportation Department. The Mayor would like to table this discussion until a meeting can be held with the attorney, Statham and someone of the Airport Board can get together to review and provide information to the council. This item will be tabled to a later council meeting.

## **PUBLIC COMMENT**

**Roxy Theater Open Auction continued** – Later in the meeting a citizen entered and Mayor Thueson opened the floor for comment. Colt Angell said he was interested in the Roxy Theater Open Auction. Mayor Thueson said the auction started and had already closed. Angell said he would like to make an offer. Attorney Forsberg offered to assist Angell in writing up an offer for the council to review. Mayor Thueson asked for a written bid from Angell for council to review at the next council meeting. Angell said he would provide a written bid at a later time to the City Clerk.

**Evan Tibbitts** reported on the last Planning and Zoning meeting and said things are going well. Mayor Thueson reported that one member, Bill Butterfield, has resigned. Mayor appreciates all the work everyone does and asked if there are any other volunteers interested in serving to let the Mayor or Clerk know.

**Sherry Jackson** from the Chamber said their intention is to keep the flower program going and wanted to know if the city would ever be taking the flowers back. Jackson said Karen Valenta informed the Chamber this would be her last year assisting with the flowers. Jackson said she has some interested individuals who might want to assist with the planning and designing. Councilmember Biorn asked if the Chamber would be paying someone to plant flowers. Jackson said they will need to pay someone. Jackson said they were unable to get anyone to volunteer to do the job. Next year may be a little easier and there could be

a more cooperated effort. Mayor Thueson said council will be discussing the budget this evening.

There being no other public comment Mayor Thueson closed the floor.

## **GENERAL BUSINESS cont'd**

**Approve proposed budget for public hearing (Parkinson)** – Clerk Parkinson provided council with the proposed budget. Council discussed various aspects of the budget. An addition to the budget for a \$2000 match for flowers for the Chamber was added. Councilmember Biorn also reported on the last Finance Committee Meeting indicating they had a recommendation to hire a full replacement of a retired employee. This employee would be hired 30 days after the beginning of the fiscal year. Biorn said this is not a new additional hire and in fact is a savings to the city of approximately \$20,281 as compared to the retired employee. This budget includes a cost of living adjustment and step raises. Councilmember Willmore was concerned about giving any raises, due to the economy. Councilmember Powell agreed. Councilmember Andersen said most of our employees are funded by enterprise funds and the discussion of a cost of living increase and step raises was reviewed by the Finance Committee at length and he feels comfortable with their work. Some corrections, changes and additions were made to some line items in various funds. A motion to publish the corrected proposed budget as worked on in council was made by Councilmember Biorn and seconded by Councilmember Andersen. All council members present were in favor. Motion passed 5-0.

**Silver Horseshoe Kathy Davis Alcohol License request-** Kathy Davis was not in attendance.

**INVOICES & CLAIMS** - Payment Approval Reports were presented to Mayor and Council. After several questions, which were satisfactorily answered by staff, a motion to pay the invoices and claims was made by Councilmember Willmore and seconded by Councilmember Andersen. All council members present were in favor. Motion passed 5-0.

**MINUTES** – Regular Council Meeting Minutes of July 8, 2010 were presented to Council. A motion to accept the Regular Council Meeting Minutes of July 8, 2010 was made by Councilmember Biorn and seconded by Councilmember Willmore. All council members present were in favor. Motion passed 5-0.

## **DEPARTMENT, COUNCIL & MAYOR REPORTS**

**Police Chief Jim Smith** had to leave at about 8:00 to attend to police matters.

**PWS Butigan** reported taking care of the weeds at the airport. Butigan will continue to work with the county on working together on airport issues and the role the county will be taking throughout the year. The county will assist with crack sealing after they finish in Ashton. West 4<sup>th</sup> North, the school road up to the seminary and the new block on Third Street will be chipped and sealed. Butigan thinks they may have enough to do the Teton Highway. The city parking lot at city hall has also been extended and work will be done to complete it.

**Attorney Forsberg** reported writing a letter to Bob Bauer regarding the sidewalk. Forsberg

spoke to Bauer and confirmed that he would be taking care of the sidewalk problem. The county may be able to extend the chip sealing into the Teton Highway if they have anything left over.

**Clerk Parkinson** provided council with information from the Chamber of Commerce on the Wealth Creation Working Group as well as the Alive program and Summerfest Logo information. Parkinson also provided council with a status update from Realtor Judy Hobbs. The third quarterly report has been published and the monthly financial report to council is also in council packets. Parkinson reported meeting with a representative from Zion's Bank on possibly refinancing maybe one of the sewer bonds and the water bond. Once a proposal is prepared a Finance Committee Meeting will be called to review the proposal.

**Councilmember Powell** thanked the crews for working on the city parking lot.

**Councilmember Andersen** asked about a no parking sign on East Main. PWS Butigan said he will replace this sign with the handicapped sign. Attorney Forsberg said he will review the requirements necessary to allow the public works director to keep signage up to date.

**Councilmember Biorn** asked about checking up on the ice cream truck. The Chief did do some research, but was not present to comment. The city's fire truck has been repaired and returned. Cost to repair was \$7500. Our portion is \$500. ICRMP will be paying the difference. Biorn said he spoke to Dispatcher Rich Hansen and Hansen told him since all the components are now internal this should not be a problem in the future.

**Councilmember Stoddard** wanted to publicly thank Clerk Parkinson for all her hard work done on the budget.

**Councilmember Willmore** had nothing to report.

**Mayor Thueson** had nothing to report.

There being no further business to come before the Council the meeting was adjourned at 9:03 p.m. by Mayor Thueson.

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Neils Thueson, Mayor

Attest:

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Patty Unruh Parkinson, City Clerk-Treasurer