

*CITY OF ST. ANTHONY  
SPECIAL AND REGULAR COUNCIL MEETING MINUTES  
September 9, 2010, 6:30 p.m.  
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS*

**PRESENT:** Mayor Neils Thueson, Council Members Rod Willmore, Woody Andersen (arrived at 6:56p.m.), Bryant Biorn, Elva Powell, Bryan Stoddard, Suzanne Bagley and County Commissioner Skip Hurt.

**ALSO PRESENT:** Public Works Superintendent (PWS) Scott Butigan, Police Chief Jim Smith (arrived at 6:58 p.m.), City Clerk/Treasurer Patty Parkinson, City Attorney Bill Forsberg and approximately 11 interested citizens.

The meeting was called to order by Mayor Thueson at 6:30 p.m.

**GENERAL BUSINESS 6:30 p.m.**

**County Commissioner and City Council Update**

Mayor Thueson thanked the county commissioners for their help in chip and sealing some of the city roads and for everything the county commissioners have done for the city. Mayor Thueson asked Commissioner Hurt to pass on to the rest of the commissioners and work crews the city's appreciation. Mayor Thueson also told Hurt if the county needed any tailings to come to the city as there are some in storage. Mayor Thueson asked about the county landfill. Commissioner Hurt said the Department of Environmental Quality (DEQ) has come to the county and identified leaching. Leaching is occurring at the south east corner. There is no evidence at this time that it is leaching into the ground water. There will need to be a lot of soil sampling done. Hurt said if the problem can't be stabilized with a membrane and fill, then there are other options. One is to place in a \$100,000 to \$150,000 liner. Another option is to haul garbage out to West Jefferson. The haul costs, tipping fees and/or a transfer station would increase prices significantly. Another option is an incinerator in Dubois. The commissioners feel this option would be the best option however, would cost \$40 million. If an incinerator were built, there would be some additional county jobs for transferring and hauling the garbage. In addition, revenue will be generated from the incinerator itself, i.e. power and ash sales. Hurt said in five to seven years the landfill in Island Park will be full and garbage will need to be hauled to the St. Anthony landfill, assuming it can continue to take additional garbage. Hurt said the county made over \$80,000 in recycling, between Island Park and here. The county will continue with their recycling program.

Mayor Thueson asked if there was anything the city could do for the county. Commissioner Hurt asked what needs the city may have. Councilmember Willmore said they are getting ready to work on the fence at the airport and asked if the county could assist with the work. Mayor Thueson said he will be meeting with the city's engineers and a fence will be designed and plans created, which will be sent to Bill Statham, Idaho Aeronautics, for his approval. Once approved, the city will get it out to bid and the city and county will need to come up with \$11,000 in match funds. Hurt didn't think there would be a problem coming up with the match, as long as the county could do it for in-kind labor. Willmore also asked if the county was prepared to help the city with plowing. Hurt said there wasn't a line item budgeted for payment to the city, but they could certainly look at in-kind work.

Mayor Thueson said it is easy to have this meeting, between the city and county, a half an hour before a regular council meeting. Hurt agreed. The next meeting was scheduled for December 9, 2010 at 6:30 p.m.

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

**PLEDGE OF ALLEGIANCE** was led by Mayor Thueson.

**PUBLIC COMMENT** – Mayor Thueson began the meeting by asking anyone present in the audience for their comments.

**Lenny Gardner and Lorraine Crockett** of the Chamber of Commerce said they came as they are concerned about the Roxy Sale and wanted to listen.

**Herb Hayworth – Drag Racing** – Herb Hayworth, 1005 S 1<sup>st</sup> E, said he is concerned about the drag racing at the airport. Hayworth said he has addressed the council a couple of times and tonight again due to his concerns with the noise level coming from the drag races. He said the sponsors of the Drag Races said they were no louder than the spray planes, the rodeos or the demolition derbies. Hayworth said he began taking readings of the noise a year and a half ago on a noise meter. He has monitored the spray planes and they had readings of 61 to 80 decibels. He did have one at an 86.7 decibel reading. He took readings at the demolition derby on September 19<sup>th</sup> and also the demolition derby in Rexburg; the readings were 59.3 to a high of 72 for the one in St. Anthony. He also took readings in the city of Chubbuck where they had Oval Track Stock Car races. The readings there went from 79 to 89. He said he also took readings at a muscle car race in Idaho Falls and they had readings from 93, 91.4, 90, 92.5, 94.1. Hayworth said he monitored the last drag race starting at 9:30 a.m. He said they were gone mid morning to early afternoon and when he came back he said his wife called the police to make a noise complaint. He said in a 10 minute period he had four readings 90 and over, 91, 92.3, 87, 93.2, 90, 86, and 86.5. He said he heard someone say they were unable to watch TV. He said on that Saturday he was unable to watch his TV. He asked if council had any questions for him. He also presented a petition from 48 citizens opposed to motorized racing at the airport or the fairgrounds. He said the citizens on the Teton Highway are also impacted. Chief Smith asked where the readings were being taken from. Hayworth said 500 feet from the start of the drag races to the edge of his property. The vehicles at the drag races have a screaming tire noise that drives the noise meter. Hayworth said most cities have a Jake Brake ordinance and that sound is more of a low rumble. He said the rodeo announcer can hardly be heard. Councilmember Powell asked why he didn't complain last May where there were 80 to 100 cars and in September there weren't even 30. Hayworth said he thought he might have been out of town that day in May and he returned in the evening and they were just wrapping up. Mayor Thueson thanked Hayworth for coming and said this item will be reviewed and given to the Airport Board for their review and recommendation.

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

**Wastewater Phase III Report (Scoresby)** – Paul Scoresby of Schiess & Associates came to report on the bid opening of the Wastewater Phase III Project. Scoresby reported bids were opened this afternoon at 4 p.m. The city collected nine bids. The lowest bid was \$1.088 million and change and the highest bid was \$1.6 million and change. The budget is about \$1.1 million. The two lowest bids were right at budget. Depatco submitted the lowest bid.

Walton, out of Twin Falls, had the second lowest bid. Clerk Parkinson has the actual numbers. Scoresby said their company will review the bid, produce a bid summary, comparing all the bids, and they have asked Depatco to supply the necessary final documents to ensure they meet all the criteria. Award will then be recommended to the State STAG coordinator and also do the same with the Department of Commerce. Scoresby reported now is a very good time to be putting out the bid. Scoresby recommends a motion be made by council to authorize the mayor to issue notice of award, subject to funding agency approval and the engineer recommendation. Mayor Thueson said he is happy to see someone local place the lowest bid. A motion to authorize Mayor Thueson to issue and sign the notice of award, the construction contract and notice to proceed, subject to the funding agency approval and the engineer's recommendation was made by Councilmember Willmore and seconded by Councilmember Bagley. All council members were in favor. Motion passed 6-0.

On a separate item Councilmember Biorn asked Scoresby to provide a map of the incorporated city for the annexation of the city into the South Fremont Fire District. Scoresby said he would prepare a map and have it sent to Clerk Parkinson.

**Roxy Theater Offer** – An offer was presented to the Mayor and Council for the purchase of the Roxy Theater. Josh Norman, purchaser, addressed the council asking if they had any questions. Mayor Thueson asked what he plans on doing with the property. Norman said the upstairs apartment would make a perfect office for his software company. He said the Roxy has a lot of historical meaning to the town and he would like to see it continue the way it was by providing movies, plays, Cowboy Poetry and that sort of thing. Lorraine Crockett, a citizen in the audience, asked if he would work with the St. Anthony Art Council. Norman said he would be open to all revenue generating ideas. Norman asked if anyone knew about asbestos in or on the property. Attorney Forsberg said the city makes no warranties, environmental or otherwise, if they decide to accept his offer, and sells the property as is. Norman is asking for inspections as stated in the offer. Ryan Lerwill, Realtor, said the buyer has connections with movies and has the ability to operate the theater as a theater. The offer is cash for \$25000. Attorney Forsberg said this is not net to the city and includes a six percent brokerage fee to be paid by the city. A motion to accept the offer as presented was made by Councilmember Willmore and seconded by Councilmember Powell. All council members were in favor. Motion passed 6-0.

**Roxy Theater Realtor Discussion and Choice** – Realtor Judy Hobbs presented her proposal and suggested the council consider what they should do, if the prior offer were to not happen. Hobbs suggested council consider conveying the property to a capable entrepreneur for only the costs of closing. Council had no questions of Hobbs. Mayor Thueson thanked Hobbs for her proposal.

**Fence request Right-of-Way Kim Campbell (Butigan)** – PWS Butigan said Campbell is requesting to lease a portion of the city right of way for a fence. Planning and Zoning has already approved a six foot fence. He said he would also place a gate there so, if need be, the city could open the gate to push snow there when plowing the streets. Councilmember Biorn wanted to know if this could be added on to the existing lease. Attorney Forsberg said it could. A motion to update the current lease to add this additional portion of city right-of-way was made by Councilmember Willmore and seconded by Councilmember Powell. All council members were in favor. Motion passed 6-0. Attorney Forsberg will prepare the lease.

**2011 Final Appropriations Budget Ordinance** – Clerk Parkinson presented the 2011 Final Appropriations Budget Ordinance. A motion to suspend reading of the ordinance on three different days and that the ordinance be read by title only once was made by Councilmember Stoddard and seconded by Councilmember Willmore. A roll call vote followed: Councilmembers Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes; and Willmore yes. Motion passed 6-0. Councilmember Biorn read the ordinance by title only. A motion to adopt the ordinance was made by Biorn and seconded by Andersen. A roll call vote followed: Councilmembers Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes; and Willmore yes. Motion passed 6-0. Mayor Thueson instructed the Clerk to publish the ordinance.

**Report on Properties for Final Clean Up (Butigan)** – Butigan gave his report to council. He said two property owners, Adelle Wilding and Karen Henderson, were cited. Mayor Thueson said he felt this worked out really well this year and it should never be given up on, as it should be pursued each year. That way it gets easier each year. Councilmember Biorn asked if this year property clean up was better received than in years past. Staff and council felt that it was much better received. Butigan said it is getting easier. Mayor Thueson said this is a problem many cities have and we are not alone in trying to keep things cleaned up. Mayor Thueson thanked Butigan for his report.

**Set public hearing for 2010 Budget Amendments, September 23, 2010** – Clerk Parkinson reported the amendments made were to set up the Wastewater Phase III Fund, East Main Street Fund and to enable the city to spend additional revenues received. A motion to set a public hearing for the 2010 Budget Amendments for September 23, 2010 at 7 p.m. was made by Councilmember Biorn and seconded by Councilmember Stoddard. All council members were in favor. Motion passed 6-0.

**D.A.R.E. Program discussion (Bagley)** – Councilmember Bagley reported on the research she has done on the D.A.R.E. program. There are officers already trained in the county for teaching D.A.R.E. Madison County has offered to train and get any of our officers trained free of charge to teach D.A.R.E. in the schools. Bagley said Sheriff Len Humphries would also assist. It costs \$1.50 per manual per student for a 10 week program. Bagley said she thought the cost of manual could be provided at \$0.87 each with the assistance of the Education Foundation. Bagley asked council to read through the material provided. Mayor Thueson asked if Chief Smith had any comments. Chief Smith said the city currently has two trained D.A.R.E. officers. It is possible to do, as is, if we were going to orient the time for the four months that it takes to do the program. Smith said the district has been completely cut off by the state. Bagley said this is throughout the state. A motion to spend \$1200 for the booklets was made by Councilmember Powell and seconded by Councilmember Biorn. All council members were in favor. Motion passed 6-0.

**Business Licensing Discussion (Bagley)** – Councilmember Bagley asked to table this discussion for the next agenda. Councilmember Biorn asked what the general feeling was from the Chamber. Bagley said everyone from the Chamber was 100% supportive.

**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 Andersen and seconded by Councilmember Bagley. All council members present were in favor. Motion passed 6-0.

**MINUTES** – Regular Council Meeting Minutes of August 12, 2010 were presented to Council. A motion to accept the Regular Council Meeting Minutes of August 12, 2010 was made by Councilmember Willmore and seconded by Councilmember Andersen. All council members present were in favor. Motion passed 6-0.

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

**Police Chief Jim Smith** reported the school zones and new one-ways are getting better. Smith recommends putting some lane arrows in. Mayor Thueson asked Butigan to work on those lane arrow changes. The ATT tower antennas were taken down for \$250. This was a substantial savings from the original estimate of \$2500. E-ticketing is coming through a grant and supposed to be in place this spring. Chief Smith reported attending a Chief's meeting in Idaho Falls. Smith said the Idaho Falls Police Department will assist the city with anything that we may need, i.e. lie detector tests, handwriting analysis, etc. The officer that had a crash a while back has since had the insurance company of the other party take full responsibility and is paying for all costs associated with the accident. Mayor Thueson said the Police Department has been busy and short handed and reminded council to review the incident report provided by the Chief. Mayor Thueson said they are doing a fine job.

**PWS Butigan** had nothing to report. Councilmember Biorn asked for an update on the Bauer property and sidewalk. Butigan said they are still waiting for the contractor to come back and do the job. Mayor Thueson asked Butigan to contact HK Contractors to see when they are coming back.

**Attorney Forsberg** reported there are a couple of homes in Cedar View who are running sump pumps into the city sewer with clean water. This creates a problem with the DEQ and the city could potentially be fined. Two letters have been sent out notifying the property owners of their violation and their need to come into compliance. City ordinance allows for them to contact the council for a one year extension if they don't have a storm sewer within 200 feet of the property. Mayor Thueson reported meeting with the Juvenile Correction Center (JCC) and discussing with them their infiltration problem. They have found a few man holes were leaking, but hadn't considered their sump pumps. They reported having a number of sump pumps. They will be looking at those and re-plumbing them so they are not running into the sewer.

**Clerk Parkinson** provided council with copies of the last Airport Board Meeting Minutes and the Finance Committee Meeting Minutes. Parkinson also provided council with the monthly fund summary and financial report as well as all the news from the Chamber. Parkinson provided council with an invitation from Sherri Thomas to attend the Upper Valley Industries open house on September 28, 2010. Parkinson also reported the office has started accepting credit cards and it has been well received. The city is getting around six transactions a week, which was much higher than anticipated.

**Councilmember Bagley** reported the Chamber has been very busy. Bagley said she has had several calls from Chamber members regarding the Snow Shack blocking the view of the street. The shack has since been moved. She also reported a complaint about a vendor being on private property selling fruit and not being in the Farmer's Market. This is currently okay to do, as the city does not have any business licensing ordinance.

**Councilmember Powell** had nothing to report.

**Councilmember Andersen** had nothing to report.

**Councilmember Biorn** reported on trying to find the title for one of the fire trucks. Staff is assisting with the search. The resolutions from the city and the fire district are being prepared to send for recording to the County Clerk. The 1973 fire truck had a pump test and the pump wouldn't disengage. Biorn asked council if they are interested in paying for the pump repair or to give the truck to them and have them fix the pump. The truck is valued at \$5,000 and the repair is estimated at \$1,500 to \$3,000. Biorn thought the employees there may be able to repair the truck themselves and they told him the truck was really not needed, although it was nice to have around. Council agreed to leave the truck as is.

**Councilmember Stoddard** did submit the two ordinances to the Parks and Recreation Committee regarding tobacco use in the parks for their review. There is a deadline to have a recommendation prepared for the next council meeting. Mayor Thueson asked Clerk Parkinson to place this on the next agenda. Stoddard also asked the Parks and Recreation Committee to review the ordinance regarding the committee. Stoddard said he had a lengthy conversation with Melissa Hinckley and Stoddard is recommending her release from chairing the board. He also recommends Richard Law chair the board. Mayor Thueson said he will proceed by contacting Richard Law. There is a committee forestry meeting on Tuesday Stoddard said he will be attending. Mayor Thueson asked Clerk Parkinson to prepare a certificate for Hinckley, saying Hinckley service to the committee has been appreciated and hopes that she continues to remain on the committee as a member.

**Councilmember Willmore** reported in the past the city has given \$95 to the Civil Air Patrol to place an ad in their magazine and would like to continue to do so. The annual Fly In is scheduled for Saturday, September 18<sup>th</sup> and hopes everyone comes out to support it.

**Mayor Thueson** had nothing to report.

There being no further business to come before the Council the meeting was adjourned at 8:44 p.m. by Mayor Thueson.

  
Neils Thueson, Mayor

Attest:

  
Patty Unruh Parkinson, City Clerk-Treasurer

