

*CITY OF ST. ANTHONY
SPECIAL AND REGULAR COUNCIL MEETING MINUTES
December 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, Bryant Biorn, Elva Powell, Bryan Stoddard, and County Commissioner Lee Miller.

ABSENT: Council Member Suzanne Bagley

ALSO PRESENT: Public Works Superintendent (PWS) Scott Butigan, Police Chief Jim Smith (arrived at 6:58 p.m.), City Deputy Clerk Kathy Brokens, City Attorney Bill Forsberg and approximately eight interested citizens.

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

GENERAL BUSINESS 6:30 p.m.

PLEDGE OF ALLEGIANCE was led by City Attorney Bill Forsberg.

County Commissioner and City Council Update (Miller) – County Commissioner Lee Miller began the meeting by discussing the plowing on county roads and the changes made in the crews' work schedules to better accommodate the job of snow plowing. Miller said the crews work hard no matter what day of the week. The county continues to work with the Department of Environmental Quality (DEQ) on some issues out at the landfill. The Eastern Idaho Waste Management Plan is being prepared for a judicial review so bonds can be sold. There are four participating counties (Bonneville, Madison, Fremont and Teton) in the Eastern Idaho Waste Management Plan working with economic development to get things up and running for future replacement of the St. Anthony landfill. Mayor Thueson asked if there were any other options. Miller said waste could be hauled to Jefferson County or membranes will need to be placed at the current landfill, which would cost a lot of money. Miller said he sits on the Resource Advisory Committee for the Forest Service and they met and discussed the funding Fremont County will be providing \$227,000 of Safe School Money for next year's projects.

Request for cosponsoring grant with county (Marla Vik) – Marla Vik reported to council the county is applying for a grant to upgrade the rest of Salem Road from the county line to 500 north. Vik requested council to consider partnering with them by providing financial support, giving them a multijurisdictional approach towards the grant. This will make the city of St. Anthony a co-partner towards the grant. Councilmember Willmore asked how much the county would like. Vik said anything the city can afford would be appreciated. The application needs to be submitted to the Idaho Transportation Department (ITD) by January 8th. A motion to co-sponsor with the county by providing financial support of \$5,000 was made by Councilmember Biorn and seconded by Councilmember Andersen. All council members present were in favor. Motion passed 5-0.

Councilmember Willmore reported receiving from the county a check for \$1,875 towards the Airport Planning Study grant. Willmore said since receiving the check the state has come out with a new program where the city will get the Airport Planning Study at no cost to the city. Willmore wanted to know if the county would like the money returned to them, since the grant is no longer requiring a match. Willmore said the city would like to keep the money since

there are other needs at the airport, including crack sealing of the runway and fencing. Miller said he would need to talk to the other county commissioners to see what they would like and will get back to the Airport Board and Councilmember Willmore.

Councilmember Andersen thanked the commissioners and Marla Vik for the support, dialog, help and friendship they have shown to the city over the past.

Mayor Thueson offered the extra millings the city is storing to the county, if the county can use them.

Council agreed the next update will be Thursday, March 10, 2011 at 6:30 p.m. a half hour prior to the regular scheduled city council meeting.

GENERAL BUSINESS 7:00 p.m.

PUBLIC COMMENT – Mayor Thueson opened the floor and asked anyone present in the audience for their comments. There being no comments the floor was closed.

Kasey Hull discussion of garage on city right of way – Kasey Hull, 406 West 1st South, spoke of receiving the letter from City Attorney Forsberg regarding the property on city right of way. Hull said old Mayor Parker's father built the garage and when it was purchased by Hull's mother-in-law she was told the garage was properly placed and approved by the city or the county and it was deeded to Parker. Hull said she contacted the county about deeds and was told they only go back to a certain year. Attorney Forsberg said Hull should go to a title company and have a title search done on the property. Forsberg said they have the records going back as far as before this was a territory. Hull asked if the city would possibly vacate this small piece of property. Mayor Thueson said the city generally will not vacate city property. The property can be leased if an agreement can be reached. Hull said there are no utilities through there. Mayor Thueson said the property can be leased for \$100 per year or Hull can have a title search done and bring to council for council review. Councilmember Biorn asked Hull if there was already an existing lease for the fence. Hull said there is no existing lease. Mayor Thueson said they would give her a month or two to follow-up on this. Forsberg said if she decides to lease the property to contact him and he will prepare it. Hull agreed.

Tyson Palmer discussion of fence on city right of way – Tyson Palmer, 17 North 6th West, said he also received a letter from City Attorney Forsberg requesting he bring his fence into compliance. Palmer said he doesn't understand what the city right of way is. PWS Butigan explained to Palmer what the city right of way is and how it belongs to the city. Butigan said if city right of way is used by the owner, then it must be leased. Another issue is the height of the fence. The maximum height of the fence can only be four feet and it is six. Attorney Forsberg explained the city originally laid out the streets to be a certain width and for a long time the city was not prudent about enforcing the use of their property by others. Idaho law doesn't allow individuals to gain ownership of property against city government by simply having it, using it or improving it. Forsberg also said if there should be utilities under any improvement (such as blacktop) made by the homeowner the city would not replace it if they needed to get to the utilities. Palmer asked if the property could be leased from the city. Mayor Thueson said this is possibly, however the fence still needs to be lowered. Palmer complained he is watering and caring for city right of way. Forsberg said the law requires one living next to the property to care for the property at their expense. Palmer discussed

taking the fence down in the spring. Council discussed giving him time to remove the fence sometime after the frost leaves. Councilmember Biorn appreciates Palmer being responsible. Mayor Thueson asked Palmer to get the proper permits to rebuild his fence and/or get a lease from the city. Council agreed to review again in the spring.

Planning & Zoning Report (Evan Tibbitts) – Evan Tibbitts, Chair of Planning & Zoning Commission, reported on the last Planning & Zoning meeting. Tibbitts would like to hire Josh Chase from the county's Planning & Zoning Department to assist with training and updating the comprehensive plan. Mayor Thueson asked Tibbitts to research and to come back to council for a cost estimate on the training. Attorney Forsberg said he has already contacted Chase and a bid will be provided in about three weeks for the cost of the training. Tibbitts said the development code is getting out of date and things are changing and the city needs to be prepared for any kind of rapid change. Jim Hobbs, a member of Planning & Zoning, said Chase is local and has a good understanding of our needs. Mayor Thueson asked if Planning & Zoning has reviewed the north and south exits of St. Anthony and if they had a proposal to present to Idaho Transportation Department (ITD). This should be a general description. Attorney Forsberg said ITD is probably most interested in anticipated use of the area around those exits. Tibbitts said he was over to the county building and noticed other cities' areas of impact and how those areas are encroaching upon the City of St. Anthony's area of impact. Tibbitts said he feels strongly about these cities approaching the current St. Anthony area of impact and St. Anthony needs to take look at our area of impact and review it. St. Anthony is the county seat and should be forward thinking about their area of impact and future potential and planning. Mayor Thueson said now might be a good time to address this with the county.

Extend Terms of Evan Tibbitts, Jim Hobbs and David Atkinson in Planning & Zoning – Mayor Thueson suggested to council to extend the terms of Even Tibbitts, Jim Hobbs and David Atkinson another six years. Tibbitts and Hobbs agreed. Atkinson was not present however; Tibbitts reported how valuable Atkinson was on the Planning & Zoning Committee. A motion to extend the terms of Tibbitts, Hobbs and Atkinson on the Planning & Zoning Committee was made by Councilmember Willmore and seconded by Councilmember Powell. All council members present were in favor. Motion passed 5-0.

Parks & Recreation Report on Winter Carnival (Richard Law) – Richard Law, Chair of Parks & Recreation Committee, reported on their last meeting, which was well attended. The date for the Winter Carnival was finalized for Saturday, February 5, 2011. Law will be attending the next Chamber of Commerce meeting to find out how they might like to participate. Law said he would then attend the next council meeting to keep them aware of what they are planning. There is a lot of interest from many different individuals. One of the items has been removed, ice sculpting, since it was a bit more complicated than anticipated. Law's hope is this will become an annual event for the city. Law said the committee also discussed the use of the property north of the city building. Law provided a plan made by the Rotary Club for a park like setting. Mayor Thueson said this plan is needed to present to ITD for their review. ITD owns the property and has agreed to allow the city to develop the property. Law was concerned about the possible costs. Mayor Thueson said this is about planning and grants can be awarded to the city for these types of plans. Law said there was some interest in a community garden. PWS Butigan said there wouldn't be near enough soil out there to sustain any kind of garden. Mayor Thueson said the important thing is to develop a plan. Law said the committee talked about all the beautiful parks in the city of St.

Anthony and didn't feel like they wanted to create another, using up valuable resources, materials and energy to maintain. Law said the committee also talked about tobacco use in the parks and the committee said there are currently two parks experiencing tobacco use, the Sand Bar and the Skate Park. The committee felt these parks are the most problematic and felt like the first means to try to prevent use by person under 18 should be addressed by the police department. The committee didn't want to immediately move to creating a law against it for everyone in the parks at this time. Mayor Thueson said the person that came to him about tobacco use was concerned about adults using it in the presence of children. Law didn't know if an ordinance for one park or all parks was desirable. Mayor Thueson said it will be added to a future city council's agenda.

Third reading of Alcohol Beverage Licensing Ordinance – A motion to suspend the reading of Ordinance 2010-6 on three different days and that the ordinance be read by title only once was made by Councilmember Biorn and seconded by Councilmember Willmore. A roll call vote followed: Councilmembers Willmore, yes; Stoddard, yes; Biorn, yes; Andersen, yes; and Powell, yes. Motion passed 5-0. Powell read Ordinance 2010-6 by title only. A motion to accept Ordinance 2010-6 establishing license fees for the retail sale of beer, wine and liquor and amending the expiration date of licenses was made by Biorn and seconded by Willmore. All council members present were in favor. Motion passed 5-0.

Changes and review of Resolution of Fees – Mayor Thueson introduced Resolution 2010-17 establishing fees for the retail sale of beer, wine and liquor. He reviewed the yearly fees. Attorney Forsberg explained these are the amounts permitted by Idaho code. A motion to accept the resolution as described for a public hearing was made by Councilmember Biorn and seconded by Councilmember Powell. All council members present were in favor. Motion passed 5-0. Mayor Thueson instructed the clerk to prepare for a hearing on the resolution.

Review of the Annual Road and Street Financial Report – The Annual Road and Street Financial Report as prepared for the state was presented to council for any questions or concerns. Mayor Thueson said this is the report will be published January 4, 2011. There were no questions or concerns from council.

December 23, 2010 Council Meeting discussion to postpone/cancel – Mayor Thueson asked to discuss the next meeting and it's proximity to the holidays. Councilmember Powell said the meeting should be canceled since many will be on holiday. A motion to cancel the December 23, 2010 city council meeting was made by Powell and seconded by Councilmember Willmore. All council members present were in favor. Motion passed 5-0.

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 Biorn and seconded by Councilmember Andersen. All council members present were in favor. Motion passed 5-0.

MINUTES – Regular Council Meeting Minutes of November 23, 2010 were presented to Council. A motion to accept the Regular Council Meeting Minutes of November 23, 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

PWS Butigan reported the Intermountain Gas bill on the shop last month was \$411 and last year at this time the bill was \$2000. This savings comes from the insulation done last year. Butigan is interested in a generator for the back well and why this should be considered. A new generator would cost \$60,000 and a used one about \$18,000. Councilmember Andersen asked if a grant from Homeland Security may help pay for a generator. Andersen said the city should ask Keith Ritchey from the county if there might be something available.

Police Chief Jim Smith reported one officer is signed up with the National Guard and is required to take six months of training. A temporary officer will be looked for to fill this vacancy until the officer returns. Smith also reported ML Technologies came in and took care of the department's computers. The department is also working on DUI grants. The Shop with a Cop program went well and one city officer attended. The new officer is working out well. All officers will be taking shifts through the holidays so no one single officer will be working while the others are off.

Attorney Forsberg reported the annexation into the South Fremont Volunteer Fire District has been approved by the state and things are progressing well.

Councilmember Powell reported some lawn by the old Wishy Washy has been ruined by the plows. PWS Butigan said he would talk to the property owner and take care of any problems.

Councilmember Andersen was concerned about the snow accumulation on the sidewalk next to the city building. PWS Butigan said he would have it cleaned up.

Councilmember Biorn reported the Finance Committee has yet to review the tax decrease that may be taken by the city once the city is annexed into the Fire District. While the residents will be on the tax roles for the Fire District they will not be participating in the temporary tax over ride levy approved last fall. The city's tax rate will be lower than county's tax rate this year and the following year. The Finance Committee will be lowering the city's levy by \$60,000 to \$70,000 and presenting that to council at a later meeting. Biorn wanted to remind council, should any resident ask, that they are not participating or paying on the over ride levied amount. Biorn said all the paper work has been completed for the fire truck's titles and bills of sale will be done in order to transfer the trucks. Mayor Thueson said the fire district in the past was never charged for water, sewer and garbage. This is something the city has always paid for. Mayor Thueson said Clerk Parkinson has billed them for water, sewer and garbage and they haven't yet paid. Both Mayor Thueson and Biorn believe they should pay for their services like everyone else. Councilmember Stoddard asked about city representation on their board. Attorney Forsberg said if there are concerns by members of the fire district then those concerns should be voiced by the members of the district to the commissioners of the fire district. Forsberg also said it is a relatively small thing to supply the water, sewer and garbage to the fire district. Forsberg had the opinion the city should step forward, doing the right thing, showing their support, by providing them water, sewer and garbage at no cost. Councilmember Andersen said even though there is a "wash" between the city for utility fees and the county for landfill fees there should continue to be a record of the usage. Andersen said if council decides to not charge the fire district the city should continue to account for all their usage as it affects our enterprise funds. This is no different

then maintaining a record of water usage in the city parks. Mayor Thueson said council members Andersen and Willmore need to review this item with the City Clerk for discussion at a later time.

Councilmember Stoddard said Parks & Recreation Chair Richard Law covered everything he wanted to report on and so therefore had nothing to report.

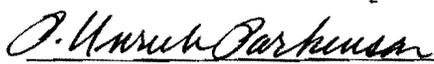
Councilmember Willmore asked how Attorney Forsberg was coming along with the new documents for the easements at the Industrial Park. Forsberg said he is still reviewing the current Covenants, Conditions and Restrictions (CCRs) and has yet formulated an opinion. Council generally agrees they are against permanent residential use at the Industrial Park. Willmore said the airport fence is completed and he will take pictures.

Mayor Thueson asked if anyone from council can attend a Rocky Mountain Power meeting in Idaho Falls on Tuesday, December 14, 2010 at 9:30 a.m. as he will be attending another meeting the same day in Rigby on Emergency Planning. Councilmember Andersen said he would attend the Rocky Mountain Power meeting. Mayor Thueson also reminded council of the City Officials Day at the Capitol Thursday, January 27, 2011. He said it is important to stay on the minds of the legislators for items like roadways and streets. Mayor Thueson asked if council would like any changes in their assignments and to let him know. Mayor Thueson said he appreciates working with everyone. Chief Smith said the projector is in the Roxy Theater. Smith said they plan on opening soon and showing movies. Councilmember Willmore said everyone needs to remind the community to support our local businesses.

There being no further business to come before the Council the meeting was adjourned at approximately 9:00 p.m. by Mayor Thueson.


Neils Thueson, Mayor

Attest:


Patty Unruh Parkinson, City Clerk-Treasurer

