

*CITY OF ST. ANTHONY
SPECIAL AND REGULAR COUNCIL MEETING MINUTES
March 24, 2011, 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, Suzanne Bagley, Elva Powell, Bryant Biorn, Bryan Stoddard, County Commissioners Skip Hurt and Jordan Stoddard

ALSO PRESENT: Public Works Superintendent (PWS) Scott Butigan, City Clerk-Treasurer Patty Parkinson, Police Chief Jim Smith and approximately 15 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 – Hurt, Stoddard

Two hour limit in front of Court House – County Commissioner Skip Hurt introduced new County Commissioner Jordan Stoddard. Hurt asked if the city would remove the two hour parking around the county courthouse. Mayor Thueson thought there never was a two hour limit there. Hurt said the county removed the signs some time ago and Thueson didn't believe there had ever been a resolution from city council to enact a two hour limit in front of the court house. Thueson said he thought the signs had been erected by the county and belonged to the county.

Pre-authorized parking at Annex Building – Commissioner Hurt then asked if there was ever a time where long meetings were being held at the county annex building if the city could provide permits for longer times of parking. Mayor Thueson, at the suggestion of City Clerk Parkinson, said that instead of permits, the county could just contact the officer on duty and request for a block of time where the city won't enforce the two hour parking limit. Councilmember Bagley suggested having someone contact the dispatch center so they could be informed and keep track of the times for any officer on duty. Council members and the commissioners agreed to this and the city will give it a try.

Commissioner Hurt said the price of oil has stayed the same and now would be the time for the city to make their order for oil and chips to piggy back with the county's purchase. Mayor Thueson said we should purchase oil. PWS Butigan said it is budgeted for. Butigan said he will get with the county and figure the same amount as last year. Last year the city did about \$5000 worth of chips. Hurt said the city could pay the price of whatever it costs the county to crush it.

Commissioner Hurt asked if the railroad has gotten back to the city on the crossing over by Trost's. PWS Butigan said he is not aware of anyone in the city being contacted. Hurt said it is useful to help them out as it benefits everyone. The railroad pays for everything; they would just like some help. PWS Butigan said they would assist where ever they could.

Commissioner Hurt reported they purchased the other half of the annex building and will move the County Extension Office and 4-H Office into it. They will be selling the old building where those offices used to be. Commissioner Stoddard said the county has already moved their GIS Office over to the annex building.

Commissioner Hurt also reported the Eastern Idaho Waste District is going to judicial review. They are very close to selling the bonds necessary to provide for the incinerator program. It will cost \$60 million. The waste incinerators are estimated to be up and running within two years. The current landfill is still under review with the Department of Environmental Quality (DEQ). There are two options the county could go to if necessary until the incinerators are built, one is to haul waste to Madison County with a tipping fee or haul to Jefferson County. The other option is to put in another lined cell, which would cost a half a million dollars.

Commissioner Stoddard said he will be on the Airport Board as the county representative.

Councilmember Willmore reported to the county commissioners about what's happening at the airport. A grant has been applied for utilities, such as electricity and gas. In kind work will be needed for the match. They will allow the city to do trenching work and placing of conduit. Willmore asked if the county will assist with this work. The grant will also include more crack sealing for the runway. Willmore expressed appreciation for all the help the county has done. Willmore reported the road into the fairgrounds is turning inside out. Any help would be appreciated. Willmore said he would let them know when the next Airport Board meeting will be.

Councilmember Andersen said they just had a pre scope meeting regarding West Main and there was some discussion about the bridge at the end of West Main. Mayor Thueson said the design engineer was finally chosen and hired. The design engineer is Schiess & Associates. Hopefully, West Main will be fixed in the next couple of years.

Commissioner Hurt said the county applied for a grant to rebuild the Salem Parker Road from Crapo's Corner to the County Line. They funded the top three and the county missed being awarded the grant by one point. It may still be something that will happen later. It is a four million dollar project.

Councilmember Stoddard asked about insurance co-op and wanted to know about the county's insurance and how the county self funding is going. Commissioner Hurt said they self funded and they haven't done well at all. There have been a large number of individuals with big illnesses. At this point the county is reconsidering self funding insurance and is looking at other options.

Mayor Thueson then thanked the county commissioners for attending and moved the meeting to the next item on the agenda.

PLEDGE OF ALLEGIANCE was led by Councilmember Biorn.

PUBLIC COMMENT Mayor Thueson commented on the members in the audience and said he would allow their comment in an informal manner throughout the meeting.

GENERAL BUSINESS

No Smoking Presentation/Eastern Idaho Public Health District, Mary Ann Brown – Mary Ann Brown introduced herself as the Tobacco Prevention Coordinator from the Eastern Idaho Public Health District (EIPHD). She said she learned about the city's proposed smoking ban and said EIPHD would provide the signs for the parks. They can supply two signs per park. She passed the signs around to the council members. Brown said whatever

the city decides to do she will help. She also left her business card to all the council members. Brown asked for a copy of the ordinance once it is passed.

Third reading of Ordinance Prohibiting Smoking in Designated Public Parks – A motion to suspend the reading of Smoking Ban Ordinance Number 2011-2 and that the ordinance be read by title only was made by Councilmember Biorn and seconded by Councilmember Powell. A roll call vote followed with Councilmembers Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes and Willmore, yes. Motion passed 6-0. Andersen read the ordinance by title only and indicated the three parks as the Baseball Diamonds, the Skate Park and the Sand Bar Park. A motion to adopt Ordinance Number 2011-2 was made by Stoddard and seconded by Bagley. Mayor Thueson called for discussion. There was no further discussion. A roll call vote followed with Councilmembers Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes and Willmore, yes. Motion passed 6-0. Mayor Thueson asked Clerk Parkinson to contact Mary Ann Brown to order the no smoking signs for the three parks and to properly publish the ordinance.

Hull Property Discussion – Kasey Hull, 406 West 1st South, said she doesn't mind leasing the property and asked why it is coming to the attention of council now. Councilmember Andersen said the street is public property and anything placed there, no matter how long it's been there or who may have placed it there, it still belongs to the public. Hull said they are still looking into it and she hasn't had much of a chance to dig into this to investigate it. Hull thought there was some sort of title. Mayor Thueson said the city also investigated and was unable to find a title or deed releasing any city property associated with 406 West 1st South. One solution is to lease it from the city for \$100 per year. Thueson said Hull could continue to look for the title and if found to present it to the city and the city would release her from the lease. Hull expressed her concerns about reselling the property and if that lease would be transferable. Andersen said the lease is probably not transferable to a new home owner. However, Thueson said the city would lease it to anyone if they wanted to also sign a new lease. Normally those streets are 80 feet wide and Andersen suggested the street be divided in half so the neighbor on the other side could also have the option to lease. Thueson said he will instruct the city's attorney to draw up the lease.

100 foot Drag Races Permit Request at Airport – Forsberg – Mayor Thueson asked for a motion from council regarding a request from the Midnight Muscle Car Club to either grant or reject their request to have the 100 Foot Drag Races at the airport. Councilmember Powell asked to be excused from the vote as having a conflict of interest. Thueson honored her request. Councilmember Bagley asked Don Powell of the Midnight Muscle Car Club what happens to the proceeds for the event. Powell said the car club uses the money to pay for the insurance for the event and for putting on the event. Rocky Mountain Stars run a concession stand and they get all the money from that. A motion to approve the use of the airport for the 100 Foot Drag Races for the two events was made by Councilmember Biorn and seconded by Councilmember Willmore. All councilmembers were in favor with Councilmember Powell abstaining from the vote. Motion passed 5-0.

Repeal Fire Ordinance (Chapter 2.28) – Biorn, Forsberg – Councilmember Biorn reported the city has an ordinance to repeal part of the city code regarding fire protection. The city is now annexed into the South Fremont Fire District and thus the city no longer needs to provide for a fire department. A motion to suspend the reading of Ordinance Number 2011-3 Repeal of the Fire Department Chapter 2.28 on three different days and to read by title only

one time was made by Councilmember Biorn and seconded by Councilmember Willmore. A role call vote followed with Councilmembers Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; Stoddard, yes and Willmore, yes. Motion passed 6-0. Biorn read the ordinance by title only. A motion to adopt Ordinance number 2011-3 was made by Biorn and seconded by 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.

Proposed Public Intoxication Ordinance – Smith, Forsberg – Chief Jim Smith reported on the new proposed public intoxication ordinance. This ordinance is being proposed because of the problem of people falling down drunk, a man barging into a home, people in roadways, due to their state of inebriation. This simple ordinance would better address the problem and allow officers to assist those people who may be a danger to themselves or others. Smith said there isn't too much of a problem with bars over serving, but this ordinance will help fashion the mind set of those serving. Smith continued to say he thought it was a good idea. Councilmember Bagley asked Smith if individuals are in our custody the city still incurs the costs associated with any arrest. Smith said this doesn't change the costs associated with the arrest. There is a state law that covers intoxicated people in the streets but not on sidewalks or any other public place. Councilmember Andersen said there is no standard and maybe there is a level of intoxication that needs to be identified. Andersen said this leaves it to the officer's discretion. Smith said some people can handle their liquor and some cannot. Mayor Thueson asked if the main purpose of this ordinance is to protect the drunk. Thueson opened the floor for public comment. Cody Robbins, an employee of a local bar, said the proposed ordinance is so vague and needs to be re-written. Robbins said there are a lot of people that don't drink and drive, but walk home instead to be safe. Robbins couldn't understand how that is bad. Betty Stevens, a citizen, said it is legal to drink if you are 21 years old and bar owners ensure that their patrons don't drink and drive. Stevens said if these people are falling down and hurting themselves, they need to be responsible for themselves. Thueson said there is no rush into this decision and he appreciates everyone's comment. Gaylene Blair, bar owner, asked if this allows the police department to come into the bar and arrest patrons in the bar. Councilmember Biorn said the ordinance says street, alley, highway or public place within the city limits. Blair said a bar is a public place. Biorn wondered if a bar is a public or a private place. Biorn also said there are other places people get intoxicated, they get just as intoxicated in their homes. This ordinance shouldn't be construed as being negative against the bars. This is about what happens outside of the establishment. Biorn continued by saying people should be free to do what they wish to do and to be responsible for themselves as long as they are not putting themselves or others in danger. It shouldn't go so far as to putting your self in harms way and maybe if it can be established a more defined way to deal with someone who is face down in a parking lot not moving. You know then people that have gotten to that point no longer have the common sense or the rationale necessary to make a good decision. Biorn said that he thinks as a city they need to be able to identify that problem and do something about it. Thueson said council will need some more time to think about it and to also get some legal advice from the city's attorney to help answer some of these questions. Blair expressed her opinion saying the police department has been really good to the bar business owners. Thueson asked this item be placed on the next agenda for council's continued discussion.

INVOICES & CLAIMS - Payment Approval Reports were presented to 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 March 10, 2011 were presented to Council. A motion to accept the Regular Council Meeting Minutes of March 10, 2011 was made by Councilmember Andersen and seconded by Councilmember Bagley. All council members present were in favor. Motion passed 6-0.

DEPARTMENT, COUNCIL & MAYOR REPORTS

Police Chief Jim Smith reported there have been no more moose sightings. The last sighting was Sunday. Mayor Thueson said his big concern was the safety of the school children walking back and forth to school. Fish and Game was contacted by both the police department and the city attorney. Smith reported the Fraternal Order of Police (FOP) has started using the building at the sand bar. The speed trailer and the Explorer have been moved out of the building that belonged to the school on Fourth. Several warnings have been issued for the two hour parking. The DUI grant is being participated in. Smith will check on the aggressive driving grant. The Spurs and Spokes was closed down on the 16th of March and two days ago they are back open and running. They were shut down by the State Tax Commission.

PWS Butigan reported checking on the warranties on the street lights and has not heard back. He said he will continue to work on getting some information back. Butigan said they need to replace about five electrical boxes and it will cost about \$1500. These are the ones in the sidewalk. Butigan said he is reviewing some the streets for chip sealing and he thinks First North from Sixth all the way to Eight and possibly Cedar View. Once it dries out more crews will work on some of the "soft spots" in the streets. Road material will be taken out and then replaced. Mayor Thueson said Fourth should be finished up as soon as Depatco gets the sewer line done.

Clerk Parkinson reported ICRMP is coming to town at the request of the county to do some Planning & Zoning training on March 29, 2011 at 6:00 p.m. It is free and it is recommended our planning and zoning members as well as our council members attend. Parkinson also reported the city was awarded a 2011 Arbor Day Grant of \$300. The grant money will be used to purchase trees to plant at the annual Arbor Day Celebration to be held April 29, 2011. Spring Cleanup on the Greenway will be Saturday, May 14th. The city also received the official easement from Bureau of Land Management for the trail to the Bicentennial Statue. Parkinson also provided council with the High Country RC&D Cloud Seeding report and the city's Fund Summary. Parkinson also gave city council a proposed sign ordinance which should be reviewed prior to the next council meeting.

Councilmember Powell reported the alley next to her home was plowed by someone and in so doing dug up the asphalt on the road. PWS Butigan said city crews do not plow alley ways. Powell also said the Senior Citizens heater is not properly working and is being looked at for repair. Powell also said she attended the Bruce Hill Fund Raiser and it was a really good turn out. Councilmember Bagley said the people of St. Anthony are amazing. She said times are hard and when your neighbor needs help, people come out to help. Bagley continued by saying this is why we live where we live.

Councilmember Andersen reported the design engineer was chosen for the West Main Street Project; Schiess & Associates. A project scope meeting was held Monday with the

Idaho Transportation Department, the engineer and staff, which Andersen attended. Everything is being reviewed to see how far the road can go and how it might be possible to include the bridge at the end of West Main on 12th.

Councilmember Bagley had nothing to report.

Councilmember Biorn reported meeting with city crews and reviewing the water leak survey from 2003. They identified certain projects to work along West Main. Those would be nice to get done before working on the road. Biorn said they are discussing whether to keep or abandon the main water line on the north side of the street as there is a newer water line on the south side of the street. Crews will check one or two places along the older line and analyze the line and make a recommendation to council. Some of the leaks are ranging from a couple 100 gallons to 14,000 gallons per day. Biorn showed council a piece of water pipe taken out by city crews for repair. It was a two inch line with a number of holes in it. Biorn said the goal is to try and look into the future and take a serious look at when we replace some of the smaller lines with larger lines so that we are compliant with fire protection and are able to last for 100 years and not 50 years. Also important is validating the current leak report. Once a leak is found then crews should document it by taking video or photographs.

Councilmember Stoddard had nothing to report.

Councilmember Willmore had nothing to report.

Jim Hobbs, member of the Planning & Zoning, reported on the last Planning & Zoning meeting with Planner Joshua Chase. Hobbs said the meeting went really well and he feels really comfortable with the money assigned for this. Hobbs gave a brief report of the progress being made on the Comprehensive Plan.

Mayor Thueson had nothing to report.

There being no further business to come before the Council the meeting was adjourned at approximately 8:30 p.m. by Mayor Thueson.


Neils Thueson, Mayor

Attest:


Patty Unruh Parkinson, City Clerk-Treasurer