

CITY OF ST. ANTHONY  
REGULAR COUNCIL MEETING MINUTES  
May 12, 2011, 7:00 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, Bryan Stoddard and Suzanne Bagley.

**ABSENT:** Council Member Elva Powell

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

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

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

**Pledge of Allegiance** was led by Councilmember Bagley.

## **GENERAL BUSINESS**

**Use Agreement / Timmons** – Mayor Thueson said a lease for the Timmons has been prepared for their fence which is on city right-of-way. There was no discussion by council and so Thueson instructed Attorney Forsberg to prepare a lease.

**100 Foot Drag Race report from Donald Powell** – Powell came to council to report on the 100 Foot Drag Races held at the airport Saturday, May 7<sup>th</sup>. Powell provided a petition supporting the 100 Foot Drag Races with approximately 131 signatures. The petition read "We the undersigned wish to express our appreciation to the Mayor and City Council of St. Anthony for their support of the 100' drags held at the St. Anthony Airport. We would like to encourage the Mayor and City Council to continue to support this family centered event. Thank You!!" Powell said 54 cars showed up, even with the poor weather. Powell showed a video of the crowd. He then showed a video about how a car is staged and the "burn outs". He showed a couple of videos of the sound level meter getting readings from the noise the cars made. The readings ranged from 84 to 104 decibels. The readings were taken from different points around the area. One of the readings was so low Mayor Thueson had to ask if a car had gone by for that reading. Powell said the Class 1 cars are muffled streets cars, or cars legal on the street. Readings from the Class 1 cars ranged from 64 to 104. Powell just wanted to show council what it is like. He said they are not tearing things up and monitor closely the participants and do the best they can to make it a safe, fun environment. The club was very happy with the turn out of cars. Chief Smith reported he was there with his decibel reader and said the highest level was 97 south of the canal and south of Hayworth's. When he was 50 feet away the highest level was 119.3. A symphony ranges at over 120 to 137. Smith took readings from three different locations and provided council with a listing of the readings and times taken. He also provided them with a Decibel (Loudness) Comparison Chart. Smith said he did receive nine written complaints today, separate from Hayworth's complaint, for a total of ten complaints. Councilmember Biorn said he spent a considerable amount of time there and reported he had a lot of fun. Biorn said he was about 25 feet from

the drag strip, did not have hearing protection, and did not experience any hearing loss. Attorney Forsberg said he also attended and said it was a good crowd given the kind of day it was. (It was a bit cold and rainy in the morning.) Forsberg said it represented good things about St. Anthony and he and his two grandchildren had a very good time. Thueson said there are 365 days and two of those days didn't seem like too much of a problem. He continued by saying there are a lot of tax payers in support of the races and they should also have a say in what happens at the airport. Thueson said the races did not interfere with air traffic. Biorn said a plane landed and the races stopped, waiting for the plane. Councilmember Willmore said they completely cleaned up afterwards and there was no litter there at all. Thueson thanked Powell for attending and said it was a worthy project. The next race is scheduled for August 27<sup>th</sup>. Powell said he will check with the High School in the future and ensure the races do not conflict with the High School rodeo.

**Proposed Public Intoxication Ordinance (Smith, Forsberg)** – Mayor Thueson asked Attorney Forsberg if there is anything he wanted to add. Forsberg said he would answer any questions. Mayor opened the floor to the public. Gaylene Blair, member of the audience, asked if there have been complaints. Forsberg said there have been complaints. Betty Stevens, member of the audience, asked if this law would be for people that are rowdy or those people walking home, bothering nobody. Chief Smith said it is to protect people from harming themselves or others. It's not to arrest people walking home from the bar, bothering no one. Attorney Forsberg provided an example of public intoxication as it occurred here in St. Anthony last January. Forsberg described a fellow who was just released from the State Penitentiary then had a few drinks at the Star Bar. He then wandered off, breaking into a couple's trailer, and was found later by the police, at about two a.m. having fallen into a snow drift. Forsberg said that is public intoxication. Stevens asked if an ordinance is needed for that. Forsberg said it would have been nice if the police could have picked him up before he found that young couple's trailer and went in there scaring them to death. Councilmember Biorn said just last Sunday on the street in which he lives described a man, clearly intoxicated, walking in the middle of the road, falling down several times, being a danger to himself and others. This ordinance gives the police department the ability to help the person. Smith said it is a judgment call by the police department; an arrest is not always made. Stevenson was concerned the police department would begin to harass people staggering down the road. Councilmember Bagley said a state statute already is in place allowing the city to cite. Forsberg said it only covers out in the middle of the highway, not the rest of the town. He encourages council to consider something that would allow the city to help a person on the sidewalk, in a canal or in a snow bank, before they get run over or injured. Forsberg said if we have to wait for them to be in the middle of the street, then that may be too late for them. Sometimes the best thing to do is a bit of "proactive hassling", in order to pick the person up and get them safely home. Forsberg said there are a lot of people that don't like the seat belt law, what is the purpose? It turns out to save them from themselves. This ordinance is similar. Stevens said we need to be responsible for ourselves, unless we are hurting someone else. Councilmember Andersen said he thought this was a place to start and he didn't think there was anything in the ordinance restricting a person's freedoms. Councilmember Willmore said if it wasn't a necessary ordinance then it shouldn't be passed, but if it is he can't see how it can hurt or restrict anybody. Andersen said he would be in favor of reading this ordinance three times. A motion to read the ordinance for the first time was made by Andersen and seconded by Biorn. All council members present were in favor. Motion passed 5-0. Andersen read the ordinance in full.

**Proposed Sign Ordinance** – Attorney Forsberg said he made some changes to the proposed sign ordinance and provided a summary of those changes. Forsberg said in response to some complaints by citizens he also added a section on sexually oriented adult businesses. In addition, a section was added about private signs that might purport public property and a section regarding signs in or drawn upon windows. After several questions, Forsberg will prepare a third draft for the next council meeting. This draft will ensure existing signs, like the Roxy Theater sign, do not conflict with this proposed ordinance.

**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 5-0.

**MINUTES** – Regular Council Meeting Minutes of April 28, 2011 were presented to Council. A motion to accept the Regular Council Meeting Minutes of April 28, 2011 was made by Councilmember Andersen and seconded by Councilmember Willmore. All council members present were in favor. Motion passed 5-0.

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

**PWS Butigan** reported the sewer project is going along pretty well. Depatco is doing a really good job. Everything will be in place for the Greenway Clean Up to be held this Saturday.

**Police Chief Smith** reported the council packets include the police summary. As far as the signs reported in the Silver Horseshoe window, the manager said the signs would be more tasteful in the future. Mayor Thueson said he received two complaints regarding the signs in the windows. A seat belt grant is coming up on the 23<sup>rd</sup>. Smith explained there must be a reason to stop someone. An officer can't just stop people for not wearing their seatbelts.

**Attorney Forsberg** reported on the utility franchise fees and the possibility of charging Fairpoint and Rocky Mountain Power. The city can't charge Fairpoint due to the Telecommunications Act of 1981. However, with Rocky Mountain Power the city has the right to charge up to a three percent franchise fee. Councilmember Willmore said the fee would just be passed on to the customers. Councilmember Biorn said the city has to maintain the alley ways and council should consider it. Mayor Thueson asked Forsberg to draw up an ordinance for council's review.

**Clerk Parkinson** provided council with the water report from Keith Richey. Parkinson also provided council with a flyer on the upcoming AIC conference and asked if council members were interested in going to please contact her and she will get them registered. She also will need to know who will be needing hotel accommodations. Parkinson also reported receiving several complaints regarding the drag races just this afternoon. The complaints were turned over to the police department and copies have been provided to each council member. The minutes from the last Finance Committee meeting were provided to council. The next Finance Committee meeting is scheduled for Monday, May 16, at 5:30 p.m. The next Planning and Zoning meeting is scheduled for Wednesday, May 18, at 7:00 p.m. Parkinson reported purchasing a video camera which was placed in the front office window. Mayor Thueson said sometimes the office staff is not treated very kindly and if putting a camera up helps to change a person's attitude, then it's a pretty good idea. Councilmember Willmore commented it's \$50 well spent. Parkinson also reported on attending the PRIMA Risk

Management workshop in Idaho Falls last week and has been certified as an Idaho Public Risk Manager.

**Councilmember Willmore** reported the police department did a business check on his business and appreciates it. However, he would like to see an officer's name on the check. He asked about the fence at the airport and how long it will be before they are finished with the fence. PWS Butigan said it will be a couple more weeks. Butigan said he will get with Clerk Parkinson and make sure everything is sent in. Willmore asked if Fremont Fence has repaired the fence on the east side. Butigan said he will check it again, as he thought it was fixed. Mayor Thueson said he has received a complaint about the fence as well. Willmore said the rest of the fence looks good, but the east side looks horrible and unprofessional, and it should be taken care of. Willmore said the airport looks really nice and cleaned up. The north corner is full of tumble weeds and Butigan was asked to pick them up.

**Councilmember Stoddard** reported there have been a lot of people commenting on the Smoking Ban ordinance and said four or five people have asked him to thank the council for passing the ordinance. Stoddard asked about pot holes. PWS Butigan said they will patch more next week. They did a number of them on West Main.

**Councilmember Biorn** reported speaking to employee Kirk Nelson today about the 14,000 gallon leak in front of the court house. Crews dug it up and it was bone dry. The city may want to consider having the original company that did the leak detection come back and update the leak report. This should be done before West Main Street is done so as to not have to dig up a new street. PWS Butigan said the city might want to consider purchasing its own leak detection hardware. The cost would be around \$3000.

**Councilmember Andersen** said he will not be attending the AIC Conference.

**Councilmember Bagley** had nothing to report.

**Mayor Thueson** said he will be attending the AIC Conference and encourages all the council members to attend as it is really great training. Thueson said he and Clerk Parkinson will be attending a meeting in Ammon regarding the consolidation of cities to purchase health insurance for their employees. This meeting is scheduled for June 10th. Thueson said he had a business propose fixing the old city marquee. It would cost the city \$2378 to have the sign refurbished. The marquee is used a lot. Thueson asked the Finance Committee to review the budget to see if there is money in the budget.

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

  
Neils Thueson, Mayor

Attest:

  
Patty Unruh Parkinson, City Clerk-Treasurer

