

**CITY OF ST. ANTHONY  
SPECIAL AND REGULAR COUNCIL MEETING MINUTES**

*June 9, 2011, 6:30 p.m.*

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

**PRESENT:** Mayor Neils Thueson, Council Members Rod Willmore, Suzanne Bagley, Elva Powell, Bryant Biorn, Bryan Stoddard (arrived at 6:50), and County Commissioner Jordan Stoddard.

**ABSENT:** Council Member Woody Andersen.

**ALSO PRESENT:** Public Works Superintendent (PWS) Scott Butigan, City Attorney Bill Forsberg, City Clerk-Treasurer Patty Parkinson, Police Chief Jim Smith (arrived at 6:53) and approximately 14 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** – Commissioner Stoddard was present at the meeting. Mayor Thueson asked about the proposed river access the county wants to create next to Donna Clark’s piece of property next to East Third North. There is a vacant lot heading down into the river to the south of the garage. The county would like to create a gravel ramp way for boaters to take out their boats. The State of Idaho owns the piece of property and is willing to give the property to the county for this purpose. Thueson also talked about doing some chip and sealing with the county this year; however, instead of doing that the city has purchased a DuraPatcher and will be preparing streets for later chip and sealing next year. Thueson also reported it doesn’t appear the city will be getting any grant money for the bridge at the end of West Main Street. Stoddard wanted to know if the section of 12<sup>th</sup> Street, which is in poor condition, would be repaired. Thueson said he is trying to get that portion completed as part of West Main, as it’s part of the corner going into 12<sup>th</sup> Street. Thueson wanted to know if the county has received grant funding for the Salem Highway. Stoddard didn’t know if they would be getting any funds or not. The county did not get awarded in the first round, but are hoping left over funding might include them. Attorney Forsberg thanked the county with resolving the issue with the correction plat at the Industrial Park. Thueson asked if the city could train with the county on the use of a DuraPatcher. Stoddard didn’t think this would be any problem. Keith Richey, County Emergency Planner, said temperatures will warm up and more rain is predicted. Henry’s and Fall River are forecast to fall and the Teton is to remain high. It takes about 12 to 18 hours for the water to reach the city after a rain storm. The next City/County update will be planned for September 8, 2011, here at city hall prior to a city council meeting.

**PLEDGE OF ALLEGIANCE** was led by Clerk Parkinson.

**PUBLIC COMMENT** Mayor Thueson commented there are many items on the agenda and explained to the members in the audience he would allow their comment in an informal manner throughout the meeting as time permitted.

**GENERAL BUSINESS**

**Disaster Declaration (needs motion to add to agenda)**- A motion to add to the council's agenda the discussion of a disaster declaration was made by Councilmember Powell and seconded by Councilmember Willmore. All councilmembers present were in favor. Thueson reported yesterday morning, due to high water, there was something, possibly a log, which bounced up and broke the eight inch water line at the river under the Bridge Street bridge. Keefer Park was flooding as well. After speaking with Keith Richey, Thueson did sign a Disaster Declaration good for seven days. This was done on June 8, 2011. Thueson would like to extend the declaration for another 90 days and requested council to consider this. Richey explained how this will help the city, by allowing the Mayor to open the budget and move money around so payments to cover expenses due to the high water could be made if necessary. Richey reminded the city to keep track of repairs, equipment and man hours associated with the flood disaster. Councilmember Bagley asked if there were any forms the city could fill out to help keep track of the expenses. Richey said forms would be provided. Thueson said with the current snowpack it might be a good idea to extend the disaster declaration. A motion to extend the Disaster Declaration for another 90 days was made by Councilmember Powell and seconded by Councilmember Willmore. All council members were in favor. Motion passed 5-0. Thueson and Richey signed the extended declaration.

**Honor Ray Voss's service as a member of Planning & Zoning** – On behalf of the city council and the city Mayor Thueson thanked Voss for his service and commitment to the city by being a long standing member of the city's Planning & Zoning Commission. Thueson presented Voss with a certificate and Voss received a warm applause from the council and audience.

**Appoint Leroy Powell as a new member of Planning & Zoning** – Mayor Thueson introduced Leroy Powell, a citizen of the city of St. Anthony, and appointed him to the Planning & Zoning commission as its newest member. Council unanimously confirmed Thueson's appointment.

**Request to lease alley, 37 E 5<sup>th</sup> S, Trischa Pace** – Pace was present and provided pictures of her property and how she would like to have permission to put a fence up in the city's alley way. The alley is 15 feet wide and they want five feet from their porch into the alley. Pace said they would remove the fence posts currently there in the center of the alley. PWS Butigan said he has looked at the property and there would still be an available 10 feet for the Smith's (their neighbor) to be able to have access to their back yard. Mayor Thueson said he would have to have staff take a look at the new request and speak to the neighbors (Smith's). Butigan said years ago the house had steps facing Classic Cars. The steps deteriorated and the prior owners then replaced the steps going straight off, currently on city right of way, by about a foot. If all parties are agreeable then a lease will be prepared for the going annual rate of \$100 per year. The other option is to change the direction of the steps. Pace was agreeable to paying for a lease. Butigan will follow-up with the neighbors.

## **PUBLIC COMMENT**

**Sandy Biorn**, 542 E 1<sup>st</sup> N, reported having an incident with a salesman at their home. The salesman was selling cleaning products and ultimately came into their home uninvited while her teenage daughter was home alone. Biorn told her story to council in detail. This same group was in Idaho Falls the following day and an Idaho Falls woman was raped by one of the salesman. Biorn later learned it was the same salesman that had invited himself into her

home the day before. She ended by asking council to consider a no solicitation law or some other ordinance to be passed to help protect the city's children. Mayor Thueson thanked her for sharing her story and explained the item of Business Licensing was on the council agenda for discussion in tonight's meeting and she was welcome to stay and listen.

**Pat Smith**, 441 S 1<sup>st</sup> E, arrived right after Trisha Pace left. Smith is the neighbor previously opposed to the fence Pace was building because it was being placed in the alley. PWS Butigan explained where the fence will go and how it will now allow 10 to 11 feet access into the alley. Mayor Thueson asked if this would be okay. Smith said she just wants to be able to have access. A motion to approve a lease for Pace to build the fence as proposed, allowing for 10 to 11 feet of access for the neighbors at an annual cost of \$100 per month as long as both parties are in agreement was made by Councilmember Stoddard and seconded by Councilmember Willmore. All council members were in favor. Motion passed 5-0. Attorney Forsberg will create the lease.

**Planning & Zoning's Recommendation for rezoning of Lot 8 Tascher Tract, R. Gardner (Hobbs)** – Jim Hobbs, member of the Planning & Zoning Commission, was present and reported on the Planning & Zoning hearing held last week and the request to rezone Lot 8 of the Tascher Tract from an R-2 Residential Zone to a C-1 Commercial Zone. The recommendation from Planning & Zoning was unanimous to rezone it as a C-1. After a short discussion with some questions from council and answers from staff and Hobbs, a motion to accept the recommendation of the Planning & Zoning Commission of the Findings of Fact and Conclusions of Law to approve the request for rezoning from an R-2 Residential Zone to a C-1 Commercial Zone was made by Councilmember Willmore and seconded by Councilmember Bagley. All council members present were in favor. Motion passed 5-0.

**Request for Street Revision for School District/Karen Daw** – Daw was present and said the school district is extending the classroom hours 15 minutes for each of the buildings. Henry's Fork Elementary will be dismissed at 3:05 p.m., the Junior High at 3:24 p.m. and the High School at 3:30 p.m. The school district is asking for the street on the East side of the Junior High to be changed back to a two way street. This is North 1st West Street. Daw said the city police officers have done a really good job helping with the changes and it's been much better. They are also asking for the one way sign be taken down. Chief Smith asked if the proposal includes having traffic changed on 4<sup>th</sup> North and signage. Day said the school will pay for the signs and the city will install them. A motion to add the appropriate signage and take down the one way street sign and to change North 1<sup>st</sup> West Street back to a two way was made by Councilmember Biorn and seconded by Councilmember Willmore. All council members present were in favor. Motion passed 5-0. Attorney Forsberg will prepare a resolution.

**Donated Flag from Keith Nave** – Mayor Thueson said Nave wants to donate a 30 foot flag to the city. Nave came to the last meeting and since there was not a quorum the request was moved to this agenda. Thueson asked if the city council wanted to accept this gift. Council discussed the costs to erect a 90 foot pole and the expense of a replacement flag each year of about \$650 per year. Some suggested just using the flag during special occasions. Some asked if the money wouldn't be better spent in paying for flowers. Council thought the gift was a generous one, however felt the added expenses were not something they would be interested in doing. Council asked if Thueson wouldn't talk to Nave and explain to him council's decision not to accept the donated flag.

**Amendment to Wastewater Phase III Engineering Agreement (Schiess & Associates) –** Paul Scoresby of Schiess & Associates was present and reported there are excess funds available in the Phase III Wastewater Project. It is apparent Depatco will not achieve its bid price and perhaps there is \$30,000 or so of grant construction money available to spend. According to Kevin McNeil it will be pretty easy to add additional pipe line, roughly 700 to 800 feet of pipe, on to the project. However, it is not designed and DEQ requires it be engineered and designed in order to meet the criteria set by the grant. If the city were to authorize for the engineering of the design then the city can capture as much of the grant as possible, by adding more pipe in the ground. This would cost the city around \$10,000 for the additional engineering of the design by Schiess & Associates. Schiess & Associates wants permission to design the additional pipe. A motion to engineer the maximum amount of pipe line and to modify the engineering contract by \$10,000 was made by Councilmember Willmore and seconded by Councilmember Biorn. All council members were in favor. Motion passed 5-0. Thueson will sign the amendment to the engineering agreement.

**Proposed Public Intoxication Ordinance – 2<sup>nd</sup> Reading –** Councilmember Biorn read the ordinance in full out loud. Mayor Thueson asked Clerk Parkinson to add this item to the council's next agenda for its final reading and vote.

**Proposed Sign Ordinance –** Attorney Forsberg said the part of the matrix addressing signs having a specific height will be removed. This limitation isn't appropriate as it's eliminates some current signs, like the Roxy's and the Bank of Idaho's, and this is not the intention of this ordinance. The International Sign Code has certain requirements and Forsberg believes this will take care of the issue. A motion to strike the part of the matrix concerning specific heights and replacing either with a special use section or to confirm the International Sign Code includes the height requirement and to suspend the reading of the Sign Ordinance on three different days and be read by title only once was made by Councilmember Biorn and seconded by Councilmember Stoddard. A role call vote followed with council members voting as follows: Bagley, yes; Powell, yes; Biorn, yes; Stoddard, yes; and Willmore yes. Motion passed 5-0. The reading rule was suspended and Biorn read by title one time. A motion to adopt the Sign Ordinance was made by Stoddard and seconded by Willmore. A role call vote followed with council members voting as follows: Bagley, yes; Powell, yes; Biorn, yes; Stoddard, yes; and Willmore yes. Motion passed 5-0. Thueson instructed Clerk Parkinson to publish the ordinance.

**Downtown Parking Proposal (Smith) –** Chief Smith presented a parking proposal that would change parking on the north side of East Main between Bridge Street and the east half of Blocks 67 and 82 of the town site of St. Anthony and the east side of Bridge Street south of East Main to be limited to two hours of parking and no parking between 2 a.m. to 6 a.m. expect at the apartment buildings. This is being done to prevent all day parking in the front of businesses in the area and at the request of those business owners. A motion to change the parking as described by Smith to two hour parking in the previously described streets was made by Councilmember Biorn and seconded by Councilmember Willmore. All council members present were in favor. Motion passed 5-0.

**Fireworks Permit / TNT Fireworks in Broulim's parking lot Fireworks Permit/Broulim's** – Councilmember Biorn reminded staff to make sure the people selling fireworks do not display signs in the city right of way. A motion to approve the fireworks permits for TNT

Fireworks in the Broulim's parking lot for June 23, 2011 through July 5, 2011 and Broulim's inside the Broulim's store for June 27, 2011 through July 23, 2011 was made by Councilmember Powell and seconded by Councilmember Bagley. All council members present were in favor. Motion Passed 5-0.

**Discuss City Business License Ordinance Proposal (Bagley)** – Councilmember Bagley reminded council how this started up last year with the ice cream truck and now there is a food wagon. The business owners in town pay fees, sales tax, property taxes and have their inspections for food items. Now there has been an incident involving solicitors. Bagley wants to be able to know solicitors have a business license to sell items. Bagley continued by saying there is a need. Bagley said she will be bringing a proposal forward for commercial, home businesses, etc. for licensing in the city of St. Anthony. She said if you are a business and you make money, you need a business license. Safety for our citizens is important and it's time to do something about it. Mayor Thueson asked what the proposed fees may be. Attorney Forsberg said the fees need to represent a schedule of fees for our "brick and mortar" businesses and resident businesses versus transient type businesses. The fee schedule should be representative of the type of businesses that may come in to town. Councilmember Biorn asked about transient businesses and if additional conditions could be imposed to afford protection to the citizens in our community. Forsberg said additional conditions can be imposed by ordinance depending on business type and could include fingerprints, criminal background checks and any other conditions. Bagley said this licensing ordinance is not going to punish "not for profit" types, such as cheerleaders and foot ball teams or church organizations. Forsberg said it is about reasonable regulation of "for profit" businesses. Jim Hobbs, an audience member, said it is real important in the community. Hobbs said he doesn't have a problem paying the fees for his mobile business. He said every city is different and he currently pays \$25 to \$50 per year in various different cities. Thueson asked Bagley to proceed by providing council with a proposed ordinance. Biorn also volunteered to help.

**Discuss City Marquee Makeover and costs** – Mayor Thueson said he has a proposal to repair the city's old marquee. Thueson would like to see it done. After discussing with the Finance Committee, he proposed each department pay a portion of the makeover for a total cost of \$2300. Each department in the city uses the sign to provide information to the community. There was no council member opposed to refurbishing the city marquee sign.

**Discuss Second June Meeting, same time as AIC Conference** – The next meeting, scheduled for June 23, Mayor Thueson and Chief Smith will be gone to attend the Annual AIC (Association of Idaho Cities) Conference. If the rest of council is here, then Thueson said it makes sense to continue with the meeting. All the rest of the council members, except for Councilmember Stoddard, said they would be here, so the meeting will not be canceled as there will be a quorum.

**JCC's request for connection to water** – Mayor Thueson said JCC (Juvenile Corrections Center) is proposing to hook up to the city's water system for a backup. They are willing to pay for the connection. Thueson said he recommends they use the proposed city water and water lines and allow their system be their backup. PWS Butigan said the city will recommend a 10 inch line to be run. To install such a large line only for a backup doesn't really make sense for the city, since the city must continue to maintain the line as long as the line exists. Paul Scoresby, Schiess & Associates, said the line should be live and functional

all the time. Scoresby continued by wondering if the city's water rights are constructed to serve them. There may be some water right adjustments needed and possible soft costs. Thueson said they would have to pay for the entire expense. This may not happen until 2013 or later. Council felt the Mayor should continue to work with them and to inform them the city would want them to use the line as their main source of water.

Councilmember Biorn asked PWS Butigan for a status on the sub water issues at the JCC. Butigan said there hasn't been any increase in infiltration and the city continues to watch. JCC said they have fixed a number of manholes and fixed their sub pumps. JCC has also contacted the city and asked the city to watch and monitor flows and to contact them if there are any issues.

**Conveyance of School property to the City** – Mayor Thueson said the school district wants to give the city some property adjacent to the ball diamonds, next to the teeter totters. The city will level it off, plant some grass, and it will become part of the Ball Diamond Park. No one had any problems with accepting the property. Attorney Forsberg will review the deed.

## **INVOICES & CLAIMS**

**Chamber's Request for payment to flowers** – Clerk Parkinson read the invoice amount and email received from Cathy Koon regarding the Chamber's request for the city to contribute \$2000 for the flowers. Councilmember Bagley said the plan is for more annual bulbs. The Chamber is having a hard time finding volunteers and has no flower designer or planner. Bagley said there were some big costs associated with the Free Fisherman's Breakfast and there was talk about whether or not to continue with that event. Bagley asked if council wouldn't consider still donating the \$2000 total for the purchase of flowers. Councilmember Stoddard said we don't know if \$2000 worth of flowers has been purchased or not. Councilmember Biorn said he was shocked there weren't any volunteers since there was such an outcry from citizens when council cut back on the flowers. Based on the email from Koon the Chamber has collected \$919.26 this year in donations towards the flowers and so the city's promise of 30% up to a maximum of \$2000 would provide a check from the city of \$275.78. Biorn said he wouldn't be opposed to giving \$2000 for the purchase of flowers and perennials but wants to see a proposal from the Chamber. Thueson would like to take a look at caring for the flowers just around our building ourselves. Council agreed to give to the Chamber the \$275.73 for now and if Chamber proposes perennials, council needs to hear their proposal. Bagley will attend the next meeting and report to the Chamber the council's discussion.

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

**MINUTES** – Regular Council Meeting Minutes of May 12, 2011 and the Summary from May 26, 2011 were presented to Council. A motion to accept the Regular Council Meeting Minutes of May 12, 2011 and the Summary from May 26, 2011 was made by Councilmember Powell and seconded by Councilmember Bagley. All council members present were in favor. Motion passed 5-0.

## DEPARTMENT, COUNCIL & MAYOR REPORTS

**Police Chief Smith** reported the seat belt grant is over. Flooding in the city kept them busy. Flood waters may continue as it continues to rain and warm up. The department did receive a number of complaints regarding solicitors and the police department made contact with the solicitors. Summer school is going on until the end of the month.

**PWS Butigan** reported the water line under the bridge was broken by floating debris due to flood waters. It will be looked at for repair next week after the water level has gone down. There is still about 12 inches of standing water in the park. Keefer Park remains closed. The power company did come in today and remove all the debris against the foot bridge. The airport fence should be finished by the first part of next week. Bryce Fowler, county employee, will be taking care of all the weeds at the airport. He will take care of the runway, taxi way and around the hangars. A DuraPatcher and tank has been purchased. Now it just needs to be delivered. They are having trouble getting it here, since truckers are hauling in the opposite direction. Crews will be training with the county on how to operate the machine.

**City Attorney Forsberg** had nothing to report.

**Clerk Parkinson** provided council with the financial summary for the eight months ending May 31, 2011. Rocky Mountain Power is having an open house. Parkinson said she and Mayor Thueson had a meeting with Glen Pond of Rocky Mountain Power about renewing the city's franchise with them. Pond will prepare a presentation to council and will be attending the July 14<sup>th</sup> meeting. Idaho Department of Parks and Recreation is looking for committee members, if anyone might know someone interested. The portable toilet by the Skate Park was tipped over and vandalized. Parker's Portable Toilets removed the toilet and asked if the city wanted a replacement. Parkinson said she told them not to replace it, since this is the second portable vandalized there. Councilmember Bagley asked if the city had reward money to offer. She said it might be worth spending a few hundred dollars to let people know this sort of behavior won't be tolerated. Attorney Forsberg said the city has no such fund and neither does the county. Jim Hobbs, audience member, complained about the Skate Park and how it is attracting juveniles with little to no respect for others in their actions and their words. He asked council to see if the police department could spend more time there. Chief Smith said they have discussed the possibility of placing a camera viewing the Skate Park. Council discussed closing the park for a time, however to do so would require a high fence and or may not be feasible. Mayor Thueson asked Parkinson to place something in the next newsletter. Councilmember Stoddard asked if Bagley could find out how the City of Rexburg deals with problems at their skate park.

**Councilmember Bagley** reported the Chamber will begin having their Alive at Five program as soon as the weather gets nicer. The Farmers Market will be starting up tomorrow. Chamber was concerned business licensing would affect the Farmers Market and she assured them it would not.

**Councilmember Powell** reported on the lack of current leases with the different renters in the city building. Powell said she will get together with Clerk Parkinson to prepare a proposal for council. The roof is still leaking. PWS Butigan said they need to check to see why and has contacted Briggs Roofing to come and make the repair. Butigan said it will get resolved, one way or the other. If a new drain is required, then it will be placed. Powell thanked Parkinson for the update of a fresh coat of paint and vinyl lettering to the council chambers.

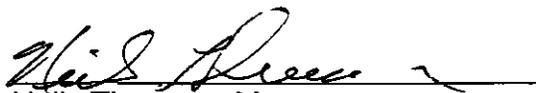
**Councilmember Biorn** reported on the Finance Committee Meeting. The next council meeting will have a preliminary budget to look at. The next Finance Committee Meeting will be by June 10, 2011. A proposed budget needs to be approved by the first meeting in July.

**Councilmember Stoddard** had nothing to report.

**Councilmember Willmore** reported on the airport development study. It may be mid July before he hears back from ITD (Idaho Transportation Department), but it is still moving forward. Willmore can not get a hold of Wanda Adams. Adams prepared a grant request for the airport. Willmore will continue to try.

**Mayor Thueson** said Fremont County will be having a hearing June 23<sup>rd</sup> on their proposed development code. Jim Hobbs will be at the meeting to listen and take notes. There will be an RC&D meeting June 30, 2011 at 1:30 p.m. and Councilmember Anderson will be notified to attend. Thueson said he tried contacting ITD to see when the bridge will be painted. Thueson contacted Ken at ITD and he didn't know anything about it. Thueson reminded him he's talked to them three times and it needs to be fixed. Thueson said he would continue to try and follow up with ITD.

There being no further business to come before the Council the meeting was adjourned at approximately 9:14 p.m. by Mayor Thueson.

  
Neils Thueson, Mayor

Attest:

  
Patty Unruh Parkinson, City Clerk-Treasurer

