

*CITY OF ST. ANTHONY  
REGULAR COUNCIL MEETING MINUTES  
JULY 14, 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, Suzanne Bagley, Elva Powell and Bryant Biorn.

**ABSENT:** Bryan Stoddard

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

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

**PLEDGE OF ALLEGIANCE** was led by Councilmember Willmore.

**PUBLIC HEARING - Wastewater Phase III Hearing (Rick Miller)** – Mayor Thueson opened the floor for the Wastewater Phase III Public Hearing, turning the meeting over to Grant Administrator Rick Miller, of The Development Company. Miller asked for everyone to sign an attendance sheet. Miller provided a status update on the Wastewater Phase III Project, giving a description of the work, so far completed. Miller also provided a summary of all expenditures to date. Mayor Thueson asked for any comment from the public. There was no comment from either the public or the council members. Clerk Parkinson reported there had been no written comment submitted. Mayor Thueson then closed the public hearing.

**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**

**Wastewater Phase III Project update & Block Grant Requirements (Rick Miller)** – Miller said the city is required to update or implement their 504 or ADA (Americans with Disabilities Act) Transition Plan. This plan takes into consideration city owned properties and identifies impediments to people with disabilities. Miller said part of the contract with The Development Company as Grant Administration will be to assist the city with this effort. A Fair Housing analysis also needs to be completed. This needs to be done before the block grant closes, in the next two to three weeks. Thueson asked for volunteers to assist. Clerk Parkinson, PWS Butigan and Mayor Thueson all volunteered. Miller said this would be adequate. Miller said there is about \$32,000 left on the unit price on construction with Depatco and about \$20,000 in budget contingency. The city is approved for 15,500 feet of line construction. Approval to continue on up to the maximum amount of line construction has been received from EPA. The city wants to make sure to utilize as much of the grant funds as possible. The balance of the money left must go towards construction. Marvin Fielding, of Schiess and Associates, said the city can do another 600 feet. Estimated cost for constructing 600 feet is about \$37,000. Thueson said the city will work together with Schiess & Associates and Depatco to complete those 600 feet. Councilmember Biorn asked if it will all be finished by September 30, 2011. Miller and Fielding thought it would take about a month and a half and

so completing it by the end of September shouldn't be a problem.

Miller said he and Mayor Thueson met regarding the West Main Street Project, looking at adding on to the project some work at the ball fields. Miller said he spoke with Sharon Deal of the Idaho Department of Commerce to discuss this possibility. Deal said it would be a real stretch to get a grant to tie those ball fields and parking lot in with the West Main Street Project, due to a plan required for the downtown businesses and consulting. Adding a plan would cost the city in consulting fees and there is no guarantee the grant would be awarded. A plan can cost anywhere from \$10,000 to \$20,000.

Fielding said all the pipe is in the ground and the job has shut down on the Wastewater Phase III Project. A final pay request was received this morning and will be reviewed by Dave Schiess.

Fielding said the West Main Project is being worked on and negotiations will start and the engineers could be under contract by some time next week. The first thing to happen will be the boring, the soils work, survey and traffic counts. Mayor Thueson said a month or so ago traffic counts had already been done. There shouldn't be a need to do them again.

Fielding said as far as the airport work, Schiess and Associates have completed what they need to do with ITD (Idaho Transportation Department) and are approved to do the necessary work making them eligible for selection for the airport study. Thueson said all the funding is done through the Department of Aeronautics and they will make the choice of engineer. This is a grant of about \$15,000 with a required match of 20%.

**Franchise Fee with Rocky Mountain Power Introduction (Glen Pond)** – Mayor Thueson turned the meeting over to Pond. Pond reported meeting with the Mayor and staff on a quarterly basis. The current franchise with Rocky Mountain Power is due to expire in 2013. Sometimes a franchise renewal will take anywhere from 60 days to over a year to renew. Now is a good time to begin renewing it. A franchise allows Rocky Mountain Power the right to use the alleys and right of ways in the city to maintain their facilities and to serve the citizens. It also provides for Rocky Mountain Power to assume any liability for their facilities located in the city. Pond said the city can place a 0 to 3% franchise fee if they desire. Pond provided council with a list of other cities and what they have for franchise fees. Councilmember Andersen asked if establishing a fee will require renegotiations with Rocky Mountain Power. The franchise agreement can be opened up at any time by the request of the city or Rocky Mountain Power. Pond said generally the franchise is for a minimum of 10 years and no more than 50 years. Clerk Parkinson said Rocky Mountain Power pays for the ordinance and conducts the public hearings and does all the publishing. Pond said Rocky Mountain Power also administers collection and payment to the city. Based on last year's revenues a 2% franchise fee would give the city \$32,000 for the year. It becomes a line item on each customer's billing. On a quarterly basis a check is sent to the city based on the revenue received. Rocky Mountain Power does not charge for any of this and there are no administration costs. These fees are only collected from customers in the city limits. There were no other questions. Pond said there must be a waiting period of 30 days before it can be published in the paper for any public hearing. Pond thanked the city and appreciates working with the city. Councilmember Bagley asked if Attorney Forsberg has had a chance to look at the franchise fee ordinance. Forsberg asked Pond if this was a standard form agreement entered into with all cities. Pond said yes and they just completed this with the

City of Ammon. There hasn't been a city that has made any changes. Forsberg said this is the sort of agreement the city will accept or reject. Pond said regardless of a fee, they want to move forward with an updated franchise agreement. Thueson recommends council to consider this for two weeks and added it on the next agenda for discussion and deliberation.

**Planning & Zoning Recommendation for Lot 8 Tascher Survey (Butigan/Parkinson) –** PWS Butigan reported a public hearing was held at the last Planning and Zoning meeting to review and make a recommendation to subdivide lot 8 of the Tascher Survey. Lot 8 is a five acre lot and this would make it two – approximately two and a half acre lots. Council members reviewed the application and plat plan along with the findings of fact and conclusions of law. The recommendation from the Planning and Zoning Commission was a unanimous recommendation to approve the preliminary plat with the following conditions:

1. The preliminary and final plats and improvement plans shall comply with of the City's Subdivision Ordinance and detailed design requirements and criteria set forth therein.
2. The preliminary and final plats shall comply with the requirements of the St. Anthony City Engineer, South Fremont Fire District, District Seven Health Department, and Department of Environmental Quality.
3. All improvements must be constructed prior to approval and recording of the final plat unless a bond/irrevocable letter of credit is submitted for 110% of the installed cost, as approved by the City Engineer and City Zoning Administrator, for all required improvements not installed.
4. The representative shall provide the City with one full size and one 8 ½" X 11" copy of the signed recorded final plat with all signatures prior to the sale of any lot.
5. All roads within the development shall be dedicated to public use.
6. All structures require all applicable building permits.
7. This development shall be served by adequate services and facilities.
8. All activity within the development shall comply with all applicable state, federal, and local law.
9. The developer shall comply with all other conditions and terms of the St. Anthony Subdivision and Planning and Zoning Ordinances.

Councilmember Anderson said he was excited to see this happening.

A motion to accept the recommendation as set forth by the Planning and Zoning Commission was made by Andersen and seconded by Councilmember Wilmore. All council members present were in favor. Motion passed 5-0.

**Review of Nuisance Properties** – Mayor Thueson said there are some properties in town having a problem with keeping their properties cleaned up and maintained and/or have multiple unregistered or broken down vehicles. Photos of each property were taken and

reviewed during the council meeting. Each citizen present was given an opportunity to speak regarding their property. After discussing each property and the issues, it was decided by council to allow for another two weeks, or the next council meeting, for clean up to be finished. Attorney Forsberg agreed to write a letter to each citizen reminding them of the final date for clean up after which a citation will be issued by the police department if the property is still not cleaned up.

**Danna Hughes to discuss use of Ball Diamonds** – Danna Hughes was not present. Hughes had contacted Clerk Parkinson earlier and asked to be postponed to the next meeting.

**Nathan Chelson to discuss Youth Service Group** – Chelson explained why he wanted to start a youth service group that is not church or school related. He said he is busily completing college applications and many are requesting what kinds of service he has completed not church or school related. Chelson is currently a senior at Fremont High School. He said he would like to start a group and once month they will do different things. He wants to call it the St. Anthony Youth Service Group and would like permission to use the city's name. One idea was to pick up potatoes during spud harvest and give to those in need. Councilmember Willmore said maybe they could assist the people just here to help them clean up their property. Chelson said anyone wanting to join, can. Councilmember Bagley asked how Chelson plans on getting information out. Chelson said he planned on using Facebook (a social media network) and maybe the newspaper. Councilmember Biorn said there are certain things, like things during clean up week, and thinks a youth service group would be great for these things. Bagley said there is a Mayor Youth Advisory Board in Rexburg where the Mayor over sees the youth's activities. Anything they decide to do would be considered volunteer and all volunteers are required to be reported in our total numbers to the Idaho Insurance Fund or Workman's Comp. Biorn thought any fees would be outweighed by the volunteerism done by the youth. A motion to allow a youth service group to be organized by Chelson using the city's name was made by Biorn and seconded by Bagley. All council members present were in favor. Motion passed 5-0.

**Propose fees for Sign Ordinance** - Mayor Thueson asked if council would like to impose a fee. Clerk Parkinson suggested, should a fee be imposed, it can be done at the same time as the city budget, as it will save the city some money in publishing fees. Councilmember Biorn said he would do some research and bring a proposal to council for the next meeting.

**Fireworks Ordinance (Forsberg)** – Attorney Forsberg said he is bringing this ordinance before the council after being reminded by Chief Smith it was something council wanted to do about a year ago. Forsberg said where the city no longer has a fire department and since the city will follow along with state code it no longer makes sense for the city to issue permits for the display of fireworks. Forsberg recommends council favorably acts on this ordinance and in fact allows the fire district, which has been doing this for years, to continue to issue permits as they see fit. A motion to suspend the reading of the Fireworks Amendment Ordinance on three different days and the ordinance be read by title only once was made by Councilmember Biorn and seconded by Councilmember Powell. A role call vote followed with council members voting as follows: Bagley, yes; Powell, yes; Andersen, yes; Biorn yes; and Willmore, yes. Motion passed 5-0. Councilmember Biorn read the ordinance by title only. A motion to adopt the Fireworks Amendment Ordinance was made by Willmore and seconded by Bagley. There was no further discussion. A role call vote followed with council

members voting as follows: Bagley, yes; Powell, yes; Andersen, yes; Biorn yes; and Willmore, yes. Motion passed 5-0.

**Business License Ordinance Discussion (Bagley)** – Councilmember Bagley said the changes discussed at the last meeting are included in this ordinance. Clerk Parkinson also provided a cost of updating the city's software to run the licensing program. This amount is in next year's budget. Bagley also talked about the service, Ahead of the Kurve, which does background checks. Mayor Thueson said a few things changed on the back page, "such as" business types. Attorney Forsberg said there are individual costs of each door to door salesman. Bagley expects this to be up in running by January 1, 2012. Jim Hobbs, citizen, was concerned about enforcement. Forsberg shared an experience Sugar City had with door to door sales. Their Mayor called their Police Department and recently cited five individuals for soliciting issuing misdemeanor citations to appear in court. None of them appeared and haven't been heard or seen again. Arrest warrants have been issued, which will be ensuring they won't be coming back, at least to Madison County. This would be something the City of St. Anthony can do once this ordinance takes effect. Forsberg said enforcement wouldn't really be as hit and miss as one would think. Council members discussed the display of licenses. Bagley asked a change be made to the ordinance to have businesses display the licenses. This item of business will be on council's next agenda for continued consideration.

**Discussion of Skate Park and ongoing vandalism** – Councilmember Powell began the discussion of the Skate Parker by saying the language is horrible and she relayed a story of one child giving other children cigarettes. Powell said the park should be closed. Councilmember Andersen said he is not in favor of closing the skate park. Andersen said he put a lot of work and effort into building the Skate Park. He remembered how it was before the skate park and how the businesses downtown were being damaged by skaters and parked cars were also being damaged. The process the city went through, obtaining grants to create and finish the park, was a lot of hard work for many people. Andersen said it's made out of concrete and can not be easily rendered unusable without great effort and cost to the city. Graffiti can be painted over and in some cases allow kids to express themselves. Andersen felt the city needs to invite the Skate Boarding Group back to council and ask them for help. Andersen feels like the Skate Park is an asset to the community. Andersen said posting the dispatch number and allowing kids to call could be done. Powell said when this happened her grandson was called a snitch and this is a problem. Councilmember Biorn said the Skate Park has been briefly talked about a year ago and in the last two years has had a couple of portable toilets needing repaired. When it was suggested in the paper to close the Skate Park there were anonymous posts to a web site and he was amazed at the language children were using to discuss this problem. Yet no one comes to tonight's meeting to discuss the problems. Biorn said the city can't post an officer down there to keep the peace as that would be cost prohibited. Biorn said he doesn't want to close the park permanently, but just temporally to get input and assistance on how to fix the problem. Councilmember Willmore said another solution might be a camera mounted to monitor the park to try and catch the individuals doing this and prosecute them. The result of the camera in the office has more than paid for itself. Willmore said signs should be posted saying the park is under surveillance. Chief Smith said the Work Camp is in favor of putting up a camera pointing to the Skate Park. They would monitor it if the city would pay for it. There has been, in the past, some results and citations issued with using a camera. Currently, a group of probationers are working on the graffiti and cleaning it up. Councilmember Bagley

said no one is doing anything about it. If this park is wanted, then citizens should be stepping up and trying to do something, like fund raisers to pay for a camera. Joyce Edlefsen, newspaper reporter, said not everyone reads the newspaper, and this information is not getting out to the people using the park. Edlefsen thinks council needs to go over to the Skate Park and get the word out to them about the problems, asking for solutions. Jim Hobbs, citizen, said parents need to show up more often. Attorney Forsberg said there was a great young man with a lot of leadership ability who just asked about starting a Youth Organization, maybe this is something they can get involved in and do something about. Andersen said this same thing happened at the Sandbar a few years back. The city survived that and it can survive this. Mayor Thueson said he agrees he doesn't want to see it closed. A lot of money was spent down there and the park provides something good for the kids. Thueson asked Smith to pursue the option of a camera. Smith also suggested placing a monitor there. Hobbs said he would volunteer for an hour a day to monitor. Thueson said he had another volunteer. Powell said she would volunteer for another hour. Smith will report on camera options at the next meeting.

## **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 were in favor. Motion passed 5-0.

**MINUTES** – Regular Council Meeting Minutes of June 23, 2011 were presented to Council. A motion to accept the Regular Council Meeting Minutes of June 23, 2011 was made by Councilmember Willmore and seconded by Councilmember Biorn. All council members were in favor. Motion passed 5-0.

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

**Police Chief** reported there are concerns about when the Sand Bar Park will open. It will open based on the safety committee's recommendation. Their recommendation is when water is no longer going over the dam. The pathway is being worked on to the Bicentennial Memorial Mountain Man Statue. A picnic table is being placed at the entry way. The Rotary Club is putting out a bench. Mayor Thueson said another bench is being worked on as well. Pioneer Days will have a couple of deputies working patrol along with the city's patrol, the same as last year. State of Idaho Transportation Department has approved the parade route. A river guide has asked to off load at the Sand Bar and was told that wouldn't work. The police department finished the Impaired Driving Grant and is now working on the Aggressive Driving Grant. A Police Incidents Summary was also given to council covering incidents from June 9 through July 13, 2011.

**PWS Butigan** reported picnic tables are already down to the entrance of the Greenway. City Crews trained and worked with the new DuraPatcher today. More work will be done on streets as time permits. Mayor Thueson said what has been done looks good. The DuraPatcher is a nice asset to the city. An injured worker (shoulder injury) is back doing light duty, driving the dump truck now. The Wastewater Phase III Sewer Project is winding down and looking good. A few more little things are left to do and paving should be finishing up.

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

**Clerk Parkinson** provided council with the third quarter financial statement as it will appear in the paper, along with the Fund Summary Report for the nine months ending June 30, 2011. Parkinson also included an article regarding public goods and taxing she wanted to share with council. The Pioneer Days Parade Committee extended an invitation to council to participate in the Pioneer Day Parade on Saturday, July 23, 2011. Chief Smith said he will be in the parade. Also included in council's packets are Planning and Zoning Meeting Minutes and Airport Board Meeting Minutes from their last meetings. An email was received from a county resident requesting the city and the county discontinues mosquito spraying. A copy of the email was given to each council member. Parkinson also provided council with emails from the Chamber of Commerce and the Summer 2011 Idaho Community Trees Newsletter.

**Councilmember Bagley** reported on the Chamber of Commerce activities. The Chamber is having a hard time finding volunteers for the flowers and staffing the Visitor's Center. Bagley said an individual called her and said she is worried when the movie lets out kids are not using cross walks and riding their bikes in the middle of the streets. Bagley asked for the police to be vigilant by watching for kids riding and walking home from the movies. Bagley reminded Chief Smith anything over \$500 needs to be approved by council.

**Councilmember Powell** had nothing to report.

**Councilmember Andersen** reported attending the last RC&D meeting. They have lost their funding and full time person. Due to this they may come back to cities for funding requests. They are reorganizing and working on decisions regarding spending. Andersen also reported on attending the last Lions meeting. The Lions will have a booth at Summer Fest asking for people to join their organization. They are a service organization and are involved with eye glasses for children. They also do the annual Thanksgiving dinner and both items take money and so they are always looking for ideas and ways to raise money.

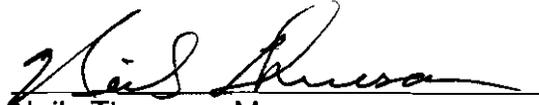
**Councilmember Biorn** had nothing to report.

**Councilmember Willmore** reported on the Airport Board meeting and they want to pursue the taxi way and will be asking the county to see if they can help the city. The county may agree to work on grants to see if the city can get more asphalt. The fence is done and the grant needs to be finished and closed out. Clerk Parkinson will follow through with Keith Richey. Willmore said he hasn't heard anything back on the grant for crack sealing. Travis Eva, a hangar owner, is really pushing to get natural gas by this fall. To do that, it will cost \$12,000 to 13,000 dollars. All the occupants are discussing the possibility of sharing the costs to come up with the money. If they are short they may ask the city to assist. Willmore said this would be an asset to the city. Willmore asked PWS Butigan, when things slow down, if city crews can do some patches to the asphalt at the airport. Butigan said they would.

**Mayor Thueson** said he has a letter from the Fremont County Planning and Zoning requesting the city begin renegotiating the city's Area of Impact. Thueson asked Attorney Forsberg to review the letter.

There being no further business to come before the Council the meeting was adjourned at

approximately 9:15 p.m. by Mayor Thueson.

  
Neils Thueson, Mayor

Attest:

  
Patty Unruh Parkinson, City Clerk-Treasurer

