

*CITY OF ST. ANTHONY  
REGULAR COUNCIL MEETING MINUTES  
JULY 28, 2011, 7:00 p.m.  
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS*

**PRESENT:** Mayor Neils Thueson, Council Members Rod Willmore, Bryan Stoddard, Suzanne Bagley, Elva Powell and Bryant Biorn.

**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 and approximately four citizens.

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

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

**PUBLIC COMMENT** Mayor Thueson asked if anyone would like to make a comment and recognized Citizen Bill Beck, 650 E 4<sup>th</sup> N, asking if he would like to speak. Beck said he would wait to comment on some of the agenda items, if that would be okay. Thueson said he thought that would work.

## **GENERAL BUSINESS**

**Update on Wastewater Phase III Project (Schiess & Associates)** – Paul Scoresby, Schiess & Associates, said they would not be allowing Depatco to do any more work than what the Wastewater Phase III grant will allow for. Once they finish their work, then anything extra will come out of the city's sewer fund. Mayor Thueson said he has requested for three quotes for the additional work, beyond the grant. Thueson asked council for the authority to choose the lowest quote of the three requested. A contract for the additional work was drafted and Scoresby provided a copy to Attorney Forsberg for review.

Scoresby also reported on the West Main Street Project saying the scope has been finished and has gone to the Idaho Transportation Department (ITD) for their review. Once the negotiations have been completed by ITD a contract will be signed. This step will take a while. Time line for the start of construction will be around spring of 2013.

**Contract with Depatco Replacement of Sewer Lines (Schiess & Associates)** – Mayor Thueson said the contract for the extra sewer lines, beyond the grant, with Depatco won't necessarily be with Depatco. It all depends on the last quote which the city is waiting for. Thueson asked council if he can be given the authority to sign a contract with the lowest quote, which may or may not be Depatco. Paul Scoresby of Schiess & Associates asked if the city wanted them to manage this and ensure they do not go over the total amount quoted. Thueson said absolutely. Councilmember Biorn said he thought the original price for this work was around \$37,000. PWS Butigan said this is out of the scope of the grant. Thueson said this work will complete all the sewer lines engineered. Clerk Parkinson said the budget will need to be opened, which will be done as soon as the hearing notice can be done. A motion to allow Mayor Thueson to choose the lowest quote and sign a contract to complete the engineered sewer lines was made by Biorn and seconded by Councilmember

Willmore. All council members present approved. Motion passed 5-0.

**Danna Hughes to discuss use of Ball Diamonds** – Danna Hughes was not present.

**Review Nuisance Properties from last meeting** – Charles Reid, 925 S 1<sup>st</sup> E, said he has been working on his home and has it about half done. His son is working on getting rid of the steel. PWS Butigan said Reid is making improvements and continues to work on it. David Dilmore, 140 E 4<sup>th</sup> N, said his property looks way better than it did. He said his neighbors have been impressed and he continues to work on what is left. Mayor Thueson asked about the rest of the properties. Butigan said most of them were no change. Butigan reported Karen Henderson, 44 S 8<sup>th</sup> W, said she moved one trailer and some garbage, other than that, no change. Attorney Forsberg advised council the remaining should be cited. Thueson said the remaining will be given to the Chief of Police for citations to be issued. Forsberg said he was notified earlier today the Pace residence had raw sewage draining into the street. Butigan said Pace was contacted and a contractor was there digging it up to make the repairs this afternoon. Butigan also said Pace would be cleaning up his property as soon as the contractor was finished with the sewer work. Citations will be issued to Adelle Wilding, 945 W 1<sup>st</sup> S; Vicente Tafoy, 411 W 3<sup>rd</sup> N; David Knowles, 510 W Main; John Welker; 1020 S 4<sup>th</sup> W; Karen Henderson, 44 S 8<sup>th</sup> W; and Roy Parker, 747 S 1<sup>st</sup> E.

**Business License Ordinance (Bagley)** – Councilmember Bagley said the ordinance has all the changes requested and the ordinance is ready for a first reading. Councilmember Biorn commented on how many cities in our area, Sugar City, Rexburg, have been experiencing similar issues. Bagley shared a story about Sugar City's ordinance and how effective it has been. Attorney Forsberg said Sugar City is voting on a new ordinance tonight saying Sugar City is an aggressive enforcer. Biorn wondered if not allowing peddlers at all might be something the city might want to do. Mayor Thueson and Bagley didn't think it should be a problem. Citizen Bill Beck, 650 E 4<sup>th</sup> N, said this issue is nothing new in the city. Beck said this is a knee jerk reaction to a bad situation and it will be really difficult to enforce. Beck said Idaho Falls has a solicitation license and it didn't stop the rape which happened there. Beck wanted to know how the city was going to catch everyone coming up here to spray a lawn or everyone with a business in their home. Beck said he couldn't see any sense in adding a law that is really hard to enforce. Beck said this ordinance is a liberal kind of act that is trying to solve every problem with a new law. It will be a continual source of problems with revisions and such and to consider it some more and to give it more thought as to whether or not to add another layer to enforce it. Beck said it will just be another tax and there is no added service to this and he is opposed to it. Bagley said she would like to move forward with the ordinance. Councilmember Biorn said reading the ordinance three times is good due process, wanting to hear from citizens and businesses to see if there is additional feedback. Bagley said this has been worked on for about a year. It is being advertised and in the paper and if this is something people feel strongly about it should have been done at hour one and not hour ten. Beck said he didn't think Bagley was serious. Bagley said she is serious. Biorn brought to council's attention for them to remember the Safe Route to School project and how that worked. That project was in progress for two years. He said it wasn't until the city actually went and painted the lines where the walkway would go that people seemed concerned. He said he would like to see council take three meetings to read the ordinance, giving every possible opportunity for public comment. Councilmember Willmore said he is opposed to fees and always has been and he doesn't see the local businesses getting any benefit for it. Willmore said he would like to see no fee to the brick and mortar businesses.

Bagley agreed. Willmore said he isn't opposed to a business license, but is opposed to the fee. Willmore said he is also not opposed to people wanting to come into town to solicit and having a license. Bagley said just enough fees should be collected to cover the program and it shouldn't be given away. Attorney Forsberg said this is an ordinance the city needs. The benefit to local business owners is businesses just coming through selling who knows what all have an effect on the brick and mortar businesses in town. Forsberg continued by saying he would gladly pay \$25 to have a little liberal regulation of all these other people that are just coming through and cherry pick the whole system. We don't know if any taxes are being collected or paid and we are not receiving any benefit of having them here, as a city. They are not paying the taxes the brick and mortar businesses are paying. It is an important service and public safety is not an inconsequential thing. Citizens are asking for some protections. Forsberg disagreed that having a business license ordinance would not have stopped what happened; he said he thought it may very well stop it. Police respond and the system works. Citizens understand there is a law and they call. This would be effective because St. Anthony is a small town and our citizens care and the ones that care will call. Probably about 97% of communities in this nation have a variation of this law. This is something business people expect to see. It's a part of conducting business. Thueson said he has had two or three phone calls from citizens asking about door to door sales and what was being done about it. Concerned citizens want to know if they are safe. Beck said it didn't work in the case of the rapist. Beck said council needs to be very careful about their reasons for business licensing saying the city could be in trouble with the Anti Trust Laws of the United State of America and ICRMP (the city's insurer) should review any ordinance attempting to do that. Forsberg said there is nothing about this ordinance that would pose any trouble for the city. Biorn said he believes putting this law into place and educating the public this law exists will build the type of relationship with the city residents and the city police in a way they can work together that will stop some of the less desirable activities that might happen in our town. It's not stopping any sales people from coming into town. It's not going to stop someone from going door to door to do various activities, but it will at least help the residents know that they do have an option to call the police to at least check and see if they have a license to do business. Any resident can put up a "No Solicitors" sign at their house. This lets the residents know that the city has an ordinance where they can be involved and ask questions. Clerk Parkinson reported she received on average at least one call per week where a citizen wants to know if it's okay for there to be door to door salesmen in town and if a certain business has a business license. Bagley said she thinks the ordinance as a whole will be good for the city. Councilmember Stoddard said he doesn't think this is a knee jerk reaction as it's been something talked about by this administration and prior administrations for years. Stoddard said the ordinance seems a little broad and may be a problem for home occupations. Forsberg said the city has a home occupation law on the books now, in zoning; this ordinance would only serve to identify those home occupations. Stoddard said this ordinance has been looked at rather seriously for at least a year, well before any current incident happening. Willmore asked about having a repair man come from another city and does he have to have a business license. Forsberg said yes, just the same as our businesses traveling to Pocatello or Idaho Falls have to have a business license in those cities. Thueson said Hobbs, a carpet cleaner, has told the city he has to get a license in every city he cleans carpets at. A motion to accept the draft Business License Ordinance and to proceed by adding it to the next agenda for the first of three readings was made by Biorn and seconded by Stoddard. All council members present approved. Motion passed 5-0.

**Propose fees for Sign Ordinance (Biorn)** – Councilmember Biorn handed out some information on some examples of sign fees. He said the research he did there was a common way to fee and he provided a listing of those fees. Biorn reviewed the three different options. Biorn said he preferred example one. Clerk Parkinson agreed with Biorn saying the first sample was the simplest to implement and administer. Council discussed the costs of administering and PWS Butigan reminded council on any sign the county will still issue the building permit. A motion to establish a \$25 flat rate sign fee permit and to include it the next hearing during the time the city will open their 2011 budget and to be effective with the next fiscal year was made by Biorn and seconded by Councilmember Bagley. All councilmembers were in favor. Motion passed 5-0.

**Franchise Fee with Rocky Mountain Power** – Mayor Thueson entertained discussion on the upcoming franchise agreement with Rocky Mountain Power. A franchise definitely needs to be negotiated as the current franchise is due to expire in 2013. Councilmember Stoddard said every city up and down the valley has a franchise fee. However, does that make it right for St. Anthony, maybe it does and maybe it doesn't. Stoddard said it is a hard time to impose another fee, but he does understand Rocky Mountain Power uses our right of ways and are a major user and so he said he is in favor of a franchise fee. Biorn said he echoes Stoddard's thoughts, but the fee should be minimal. He reviewed the different cities, Bloomington, 10%; Dubois, 10%; Rexburg, 6%. Biorn said this is a lot and thought 2% would be okay. Councilmember Powell said she also agrees and it should be minimal. Councilmember Bagley also agrees and to make it a lower fee. Councilmember Willmore said it's another tax on the citizens, but it is fairer, as even renters pay it. Willmore said the revenue could be used to put electricity into the airport, providing additional services to those renting. Willmore thought 1% was enough and didn't want to tax the citizens. Thueson said he agrees with Willmore, but at the same time there is a certain amount of maintenance needed and a franchise fee helps pay for this. Biorn said since the city has stopped picking up garbage in the alleys, the alley isn't being maintained, this may be partly because the city doesn't have the resources to maintain the alley way. Maybe if the franchise fee was in place it could be used for what it was intended, to maintain the alley-ways. Citizen Beck said council needs to make sure citizens understand the users are paying this fee. A motion to move forward with a 1% franchise with Rocky Mountain Power for 10 years was made by Willmore and seconded by Stoddard. A motion to move forward with a 2% franchise with Rocky Mountain Power for 10 years was made by Biorn. Attorney Forsberg advised Biorn would be out of order and the first motion needs to be voted on prior to another motion being entertained. Thueson then asked council for a role call vote on the motion made by Willmore. The role call vote followed with council members Willmore, yes; Stoddard, yes; Powell, yes; Bagley, yes; and Biorn, no. The first motion of a 1% fee and a 10 year term carried 4-1. Clerk Parkinson will work with Glen Pond of Rocky Mountain Power to begin the process.

**Skate Park camera options (Smith)** – Chief Smith said the warden has some concerns but is still in favor of placing a camera at the Skate Park. They have a DVR they are not using and they are willing to explore allowing the city to use the DVR to monitor the Skate Park with their current camera. Teton Communications will look at what needs to be added, but are confident it would work with our system. This item will be tabled until Smith can get a price.

**House Numbering Ordinance (Smith)** – Chief Smith said emergency services (EMS) have found there are houses that don't have visible addresses. There has been times where EMS

can not locate an address since numbers are not posted, taking up precious time in emergencies. There was some discussion on where the address numbers should go, on the house, the mailbox, etc. Mayor Thueson said maybe the city should first try to educate people rather than making it a law. Council members Willmore, Bagley and Powell said the city should first try to educate citizens by using the water bill, the marquee and getting attention through the newspaper.

**Park Closing Resolution (Smith)** – Chief Smith said there are problems in the parks and there doesn't seem to be a legitimate purpose for people to be in the parks after dark. Councilmember Stoddard said there is more confusion because it's been changed in the last three or four years. The current signs posted are 10 p.m. Curfew is 11:00 p.m. up to age 16 and 12:30 a.m. between 16 and 17 years old. Stoddard said there is one already in place that is sufficient and we are just confusing the public by changing it again. Stoddard said we have kids running through streets and neighborhoods and he'd rather see them in parks and not in the streets. A motion to not change the park closing times was made by Stoddard and seconded by Powell. A roll call vote followed with council members Willmore, yes; Stoddard, yes; Biorn, no; Powell, yes; and Bagley, yes. Motion passed 4-1.

## **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 Willmore and seconded by Councilmember Bagley. All council members were in favor. Motion passed 5-0.

**MINUTES** – Regular Council Meeting Minutes of July 14, 2011 were presented to Council. A motion to accept the Regular Council Meeting Minutes of July 14, 2011 was made by Councilmember Biorn and seconded by Councilmember Powell. All council members were in favor. Motion passed 5-0.

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

**Police Chief Smith** reported the police department has finished their aggressive driving grant, catching a felony drug user. A recent break in at Broulim's has since been solved. Mayor Thueson expressed his concerns about prowlers in his neighborhood asking for additional patrol. Pioneer Days went well. The county provided a lot of help, giving the city more officers than they asked for. Councilmember Bagley had information on the E-ticketing computers for electronic ticket writing. The department would like two more and they can purchase them by piggy backing with Madison County. They would like to purchase one this year and one next year. Chief said there is money in the police budget this year to purchase both computers. Councilmember Biorn wanted to know if they should purchase two now since the price is cheaper. Bagley said last year the city gave some money to the county for the D.A.R.E. Program. It was later learned the county did not use the money. Bagley said she would check to see if the city can get the money back to help pay for these computers. Citizen Beck said he has spent some time going over the city's last two year's audits and it appeared to him the city had some carry over funds left over. Beck asked if this money was included in the budget, as required by law. Mayor Thueson told him it was included in the budget as contingency. Beck said he had issue with the city not spending down their contingency. Councilmember Stoddard said the recommendation from the auditors is to have a small contingency, as good business. Beck disagreed and said the city didn't have to

do what the auditors say, that it's not law. Biorn interrupted Beck by making a motion. A motion to purchase one computer was made by Biorn and seconded by Councilmember Willmore. All council members present approved. Motion passed 5-0. Smith said they still don't have any word back from the COPS Grant for the additional police officer. Smith expects to hear back any day now.

**PWS Butigan** reported crews have been doing some street patching with the new Durapatcher. Depatco is done with the sewer line on Fourth by the lift station and there is just one small section left to do. Butigan also reported on some new building going on in town, the most significant being the new grain bins at Trost Feed and Seed. There haven't been very many permits issued, even for fences.

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

**Clerk Parkinson** reported the grant submitted to Idaho Department of Parks and Recreation for the trail to the Bicentennial Commemorative Statue on the Greenway was approved. Work on the trail can begin any time and can continue through to June 30, 2012. Word was also received from Kyle Babbitt that Wal-Mart has also given \$500 towards the Greenway. This grant is due to the volunteers from Wal-Mart working on the Annual Greenway Clean Up. The city received their second half of tax money. Parkinson would like to request a Finance Committee meeting on Monday, August 15, 2011 to review the current budget.

**Councilmember Bagley** wanted to thank Officer Manley for assisting during the fire at Willmore Lumber and appreciates everything the city did during the fire. Bagley said she is also thankful for the work Manley did for getting basic life support jump bags for every vehicle. They are valued at \$500 a piece and all officers were trained on how to use them. This was all coordinated with Keith Richey through the county and did not cost the city anything. Bagley also thanked the Chief and Officer Hunter for their help during the Pioneer Days Parade. Bagley said she won't be at the August 11th meeting.

**Councilmember Powell** had nothing to report.

**Councilmember Biorn** had nothing to report.

**Councilmember Stoddard** had nothing to report.

**Councilmember Willmore** reported the city has been approved for the \$28,000 grant towards the pavement rehabilitation at the airport. However, right now the Department of Aeronautics is shut down, but the city is on the critical list for the repair. So the city could get the money any time. The development study paperwork at the airport has been finalized. Idaho Transportation Department's Department of Aeronautics will be hiring the engineer. This study will not cost the city anything. The airport hangar owners are still trying to get natural gas into the airport. They have commitments from most of the hangar owners and Intermountain Gas is requesting a commitment by tomorrow or the price goes up seven percent. Willmore asked Attorney Forsberg if the hangar owners are going together to get the natural gas out there and anyone else later hooks up can they get them to pay a hookup fee? Forsberg explained the hangar owners can request a pay back when hooking up, it would be up to them to negotiate whatever terms they wanted. Willmore asked if Forsberg would review the easement created for the gas lines to the hangars. Forsberg said he

would.

**Mayor Thueson** had nothing further to report.

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

