

*CITY OF ST. ANTHONY
REGULAR COUNCIL MEETING MINUTES
SEPTEMBER 22, 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, Elva Powell, Suzanne Bagley and Bryant Biorn.

ABSENT: Council Member Bryan Stoddard

ALSO PRESENT: Public Works Superintendent (PWS) Scott Butigan, City Attorney Bill Forsberg, 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 Andersen.

GENERAL BUSINESS

Approval of the 2012 Retail Alcoholic Beverage Licenses – Mayor Thueson said he wanted to add to the agenda the approval of the Retail Alcoholic Beverage Licenses for the Silver Horseshoe. All Retail Alcoholic Beverage Licenses were received in a timely manner except for Silver Horseshoe's which was just received. A motion was made to add the Silver Horseshoe's by Councilmember Biorn and seconded by Councilmember Willmore. All council members present were in favor. Motion passed 5-0. Thueson reviewed all the Retail Alcoholic Beverage Licenses. Councilmember Andersen asked Chief Smith if there would be any reason not to renew any of the licenses. Smith said he saw no reason for withholding any renewals. The Spurs and Spokes did not renew, as their business is currently closed. A motion to accept the 2012 Retail Alcoholic Beverage Licenses for BJ's Corner, Bottle Stop, Broulim's Super Market, Inc., Dusty's Pit Stop, El Jalicense II, Maverik, Inc. #155, R.J.'s, Star Bar and Silver Horseshoe, was made by Willmore and seconded by Andersen. All council members present were in favor. Motion passed 5-0.

Business License Ordinance Third/Final Reading – Mayor Thueson asked for a show of hands from the audience members if they were here in regards to the Business License Ordinance. Of those raising their hands, Thueson asked for a single spokesperson, keeping in mind this is not a public hearing. Thueson said this ordinance has been discussed for a little over a year and has been read twice at two separate council meetings. This will be the third and final reading. Thueson said he does want to hear from the public, but did not want to spend all evening doing it and thus was asking for a spokesperson, or two, to represent all those in attendance. Sherri Jackson, member of the Chamber of Commerce, said she would speak. Jackson said her concern is many businesses are not fully aware of the ordinance. She said many businesses, brick and mortar types, are in favor of the ordinance. However, they didn't think it should be a yearly fee and didn't know how it was to be enforced. The Chamber of Commerce is concerned about the many events they put on each year and how those would be charged. Jackson would like some consideration of the Chamber's annual events to be added as an exemption. Councilmember Bagley responded by saying this ordinance is being done to protect our residents in the city of St. Anthony. Many citizens, be they older, single, or children, answering their doors for salespeople, can now be aware the City of St. Anthony has something in place so they can ask if they have a business license

and to find out if they have registered at the city offices. Brick and mortar businesses benefit from this ordinance because the seasonal and door to door sales are not paying property taxes, fees, employment taxes, being inspected and this ordinance helps to protect our residents. Bagley continued by saying there is an exemption for governmental activities, which includes the Chamber of Commerce and extra curricular fund raising activities, such as the football fund raiser for the football team. They are all included under this exemption. Those events already established, i.e. festivals, parades, picnics and other events sponsored by the Chamber of Commerce or other non-profit organizations will be exempt, as described in the ordinance. Bagley continued by saying people seemed to be confused about the fees. There will be a public hearing scheduled after the ordinance is passed to hear concerns regarding those fees. As it is proposed right now, brick and mortar type businesses will be charged \$25 for the first year and \$10 each following year. The first year's amount will take care of the expenses incurred by the city for the software and training costs. This ordinance is designed for the citizens of St. Anthony, allowing them to post No Soliciting signs and if they call the police, then it empowers the police department to cite those individuals. Gary Bidwell, business owner, asked about those individuals, like the Avon Lady, the Fire Extinguisher salesperson and the newspaper, who have been coming around for years, do they need a license? Attorney Forsberg said a license will be required. Bidwell said this would hurt St. Anthony. Joyce Edlefsen, newspaper reporter, said she would get her license if this ordinance were to pass. Bidwell said there was a group of people selling cleaning supplies and one fellow waited on his steps for the van to come back and get him. Bidwell said this man told him he wasn't happy and wanted to go home. Bidwell asked him how much it would cost for him to go home and was told it would be a hundred and some dollars for a bus ticket. Bidwell said he gave him \$100 towards a bus ticket to go home and found out two days later his picture was in the paper as raping someone in Idaho Falls. Mayor Thueson said it is not uncommon for businesses like Schwann's and the Fire Extinguisher salesperson to have a business license. Rexburg, Sugar City and many others enforce this sort of ordinance. Sam Davis, business owner, asked if the state law governing construction permits was something that needed to be reviewed. Attorney Forsberg said all types of professionals have state licensing, however this ordinance governs the business those professionals may do in the city of St. Anthony. Davis said this should be opened up to the South Fremont District, not just St. Anthony. Davis said if he has to pay \$50 for a license he will not be able to give to free events. One person asked where the boundary is for this. Attorney Forsberg said the people who are employed by a business or contracted under the business wouldn't need a license, since the business will have one and they are working for that business. Betty Stevens, business owner, asked if council couldn't grandfather in all the old businesses having struggled over the years to stay in business. Councilmember Biorn replied by saying there is a cost to the city for purchasing the software and an ongoing fee to maintain the software as well as the cost for personnel's time. All of these things were taken into consideration by the city's Finance Committee and this is how they came up with the proposed fees. This would allow the city to break even and is not something the city would be "making" money on. Biorn said he thought what he was hearing from the comments is the Business License Ordinance is a good idea, but the fees are what is at issue. Biorn asked if setting the fee for businesses with permanent addresses in the South Fremont area the same as inside the city would be helpful. Forsberg said the council could set fees at the same rate, if they wanted. Forsberg didn't know how the South Fremont District would be defined. Forsberg said this will be enforced by listening to the citizens. This ordinance needs to be written so it can be enforced, but at the same time not pick on businesses. This ordinance is meant to protect the citizens of St. Anthony. A motion to suspend the reading of

the Business License Ordinance in full and to read by title only and to make the noted correction in section 5.12.17 from such as to similar to was made by Biorn and seconded by Bagley. A role call vote followed with council members Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; and Wilmore, yes. Motion passed 5-0. Councilmember Willmore read the Business License Ordinance by title only.

Adopt Business License Ordinance – A motion to adopt the Business License Ordinance with the noted correction in section 5.12.17 from “such as” to “similar to” was made by Councilmember Bagley and seconded by Councilmember Biorn. A role call vote followed with council members Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; and Wilmore, yes. Motion passed 5-0. Mayor Thueson said a public hearing will be held to address the fees on October 27, 2011 at 7 p.m.

PUBLIC COMMENT – Mayor Thueson asked for anyone else in the audience to introduce themselves and their reason for attending. Janae Anderson introduced herself saying she is taking a journalism class at BYU-Idaho. Thueson thanked her for coming.

Adopt Rocky Mountain Power Franchise Ordinance – A motion to suspend the reading of the Rocky Mountain Power Franchise Ordinance on three different days and that the ordinance be read by title only once was made by Councilmember Biorn and seconded by Councilmember Willmore. A role call vote followed with council members Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; and Wilmore, yes. Motion passed 5-0. Councilmember Biorn read the Rocky Mountain Power Franchise Ordinance by title only one time. A motion to adopt the Rocky Mountain Power Franchise Ordinance was made by Councilmember Powell and seconded by Councilmember Andersen. A role call vote followed with council members Bagley, yes; Powell, yes; Andersen, yes; Biorn, yes; and Wilmore, yes. Motion passed 5-0.

Review city building leases (Powell) – Councilmember Powell said she spoke with Rick Miller of The Development Company and Miller suggested prices by square footage. Miller suggested \$.70 per square foot for the doctor's office and all others at \$.50 per square foot. The doctor's office has 3,790 square feet. Mayor Thueson said the rental space in the city building is basically being given away. The city is not even coming close to covering the expenses associated with maintenance and upkeep of the building. The city does not want to be burdensome to the renters, but at the same time the city should be able to pay for the expenses of having them rent. Taxpayer dollars should not be subsidizing private enterprise and should be considered. Councilmember Willmore said if rent is raised on the doctor's office then there won't be a doctor in St. Anthony and everyone will have to go to the free clinic. Willmore said he remembers when the city moved from their old building to this building and it was part of their agreement in order to keep the doctor in town was to subsidize his rent. Willmore said he wasn't opposed to raising it a little bit, but to raise it significantly will force him out of town. Councilmember Biorn said if the city were to raise his rent to \$.70 per square foot it would raise it from \$500 per month to \$2,653 per month. Biorn said an increase like that would be too much. Thueson said he does not want to run the doctor out of town, but it needs to be considered, as other places are renting for much more. Joyce Edlefsen, a former council member during the time of the original agreement with the doctor, said originally when he came to town he was paid to come to town, as St. Anthony needed a doctor and was given concessions to come to town. Then there were concessions made to move into this building, since he had to move. Thueson said he feels like we need a physician in town. He said we shouldn't ask for doubling or tripling his rent, however, it

should be negotiated with the doctor. Biorn said the doctor is currently paying \$.13 per square foot. PWS Butigan said the city is currently renting bare ground at the airport for more than that. (Prices for airport ground is \$.20 per square foot.) Powell said the Library has 3,120 square feet and that would calculate at \$.16 per square foot. Councilmember Andersen said we should start negotiations at \$.20 per square foot. Powell said the Senior Center pays \$10 per year and have 3,084 square feet. Thueson said he understands the Senior Center is having a difficult time financially. The Chamber of Commerce utilizes 822 square feet and pays \$425 per quarter. That would calculate at \$.17 per square foot. The city utilizes 7,874 square feet. Attorney Forsberg said some of these leases are not up for renewal. Powell said she spoke with Clerk Parkinson and learned the only one not up for renewal was the Senior Center, good until 2013. Forsberg thought the Library was also not up for renewal. Council asked Thueson to begin negotiations on those lease currently up for renewal at \$.20 per square foot.

Bid on tree obstructing street (Butigan) – PWS Butigan said he didn't have a bid yet as no one has returned his phone calls for tree removal. Butigan spoke to the owner of the tree and he has no problems with the city removing the tree. Butigan is trying to get pricing from local tree removers and if he can't get a response he will start going out of town for a bid. Butigan estimates the cost of around \$1,000 to \$1,500. Councilmember Andersen said he utilized a tree company from Chester to remove a tree in his yard and he said they were very reasonable and will provide Butigan with the name. Councilmember Willmore said the tree right next to that one has limbs right down to the ground and removing those limbs should really improve visibility.

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 Andersen. All council members present were in favor. Motion passed 5-0.

MINUTES – Regular Council Meeting Minutes of September 8, 2011 were presented to Council. A motion to accept the Regular Council Meeting Minutes of September 8, 2011 was made by Councilmember Andersen and seconded by Councilmember Powell. All council members present were in favor. Motion passed 5-0.

DEPARTMENT, COUNCIL & MAYOR REPORTS

Police Chief Smith reported Officer Brokens is back to duty and Officer Manley, his replacement, has expressed his interest in being a reserve officer for the city. The cameras at the Skate Park are being worked on and should be finished by next week. The Work Camp is being very considerate of the city's needs on the cameras. The computers supporting the E-Ticketing are all in, thanks to Madison County. The Fly-In is Saturday and the Police Department will have a booth set up there. The speed limits on the access roads, East Yellowstone, South Yellowstone and Teton Highways, have been looked at by the Idaho Transportation Department. A report is being made available to the city to propose recommendations for what the speed limits should be on those roads. This report and proposed speed limit changes will be presented to council at their next regular council meeting. Mayor Thueson asked council members to look at those streets prior to the meeting and to read the proposed report to be prepared.

PWS Butigan reported he will be working on sending out a letter to citizens regarding their

trees encroaching on the streets. The airport is swept up and ready for the Fly-In. One sweeper broke down, but it has since been repaired. Crews are finishing patching and have about 750 gallons of oil left. Mayor Thueson said patching has helped a lot of streets.

City Attorney Forsberg reported the Mayor has been approached about billboards in the Impact Area along Highway 20. The city does not have any ordinances in place to regulate the signs in the Impact Area along Highway 20. The city can, through the zoning ordinance, regulate the Impact Area and can control what signs can be placed there and how big they can be. The zoning in the Impact Area can not, however, specify what message can go on the sign. Mayor Thueson has asked Forsberg to work with the Planning and Zoning Commission on the zoning aspects of this. Forsberg said he is still waiting for any kind of letter or communication back from the county regarding the renegotiations of the Impact Area. Thueson said the Idaho Transportation Department regulates all the bill boards along Highway 20.

Councilmember Bagley reported there are some last minute things the police department will be ordering to get into this year's fiscal budget. The police department has been wise with their budget and there is money available for some of these smaller items. If the Chamber of Commerce intends to hold their meetings on Thursday nights, it is possible Bagley would not be able to attend.

Councilmember Powell had nothing to report.

Councilmember Andersen reported attending the RC&D tour. He learned one of the programs, the Idaho Invasive Species, regarding boats and the mussels contaminating the waters, is something started by RC&D. When one of these mussels die they float up on the beach and are like glass, making it difficult to walk on the beach. The mussels encrust any kind of tubing, taking over and killing plants and taking food away from the fish. This is one program once funded by RC&D, no longer being funded by them. Now the sticker purchased by boaters is what provides revenue for the program. They have had really good success with the public. One of the other programs they do is cloud seeding. There isn't a lot of data for cloud seeding in our area, so they utilize snow depth to figure out drought years and wet years. A scale is used and when snow pack gets too heavy they shut the machines off. Idaho Power is very interested in this program, purchasing 25 remote cloud seeding machines. Water is important to us in this area and we need to have it. Andersen said he hopes council continues to support RC&D and their programs.

Councilmember Biorn had nothing to report.

Councilmember Willmore said the Fly-In is Saturday, 10 a.m. to 2 p.m., and if you're interested in riding in a plane to come out and attend.

Mayor Thueson reported talking to Blake Rindlisbacher of the Idaho Transportation Department about getting the bridge painted on Bridge Street. Rindlisbacher said as soon as funds are received it will be painted. Thueson said he spoke to Glen Pond of Rocky Mountain Power regarding the buoys out in the river by the Sand Bar Park. He asked if instead of the buoys the city could add additional signage. Pond said he would get back to the city. Thueson said the city is prepared to give the money back to Rocky Mountain Power if they only wanted the money spent on buoys. Thueson said he also spoke to Paul

Scoresby of Schiess and Associates regarding West Main. The project is waiting for ITD to get the contract back to Schiess and Associates. Once the contract is back, then Schiess and Associates can proceed with the project.

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

