CITY OF ST. ANTHONY
REGULAR COUNCIL MEETING MINUTES
OCTOBER 10, 2013, 7:00 p.m.
420 NORTH BRIDGE, SUITE A, ST. ANTHONY, ID, CITY COUNCIL CHAMBERS

PRESENT: Mayor Neils Thueson, Council Members Suzanne Bagley, Tom Erickson, Lisa Haeberle, Rick Hill and Rod Willmore.

ABSENT: Council Member Russ Rubert .

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

Mayor Neils Thueson called the meeting to order.

PLEDGE OF ALLEGIENCE was led by Mayor Thueson.

GENERAL BUSINESS

Risk Management Discount Program/Safe Driving Tips/Parkinson- Clerk Parkinson provided council with some winter driving trips. The city participates in the Idaho Counties Risk Management Program (ICRMP) discount program. The city is able to save five percent of the total cost of the city's insurance, which is a little over $2,000 of savings by completing the online courses and having a couple of meetings on safe driving. So far, many have completed their online courses. Parkinson provided a discussion on winter driving trips and shared some stories about winter driving. Parkinson reported the most frequent cause for Property/Casualty claims are auto claims. No other claim category comes close. Auto crashes can be reduced by focusing on safe driving. If the city can be safer driving and reduce crashes we can help by bringing claims down, which may in turn reduce our insurance rates and keep ourselves safe and healthy.

Matt's Custom Meats/Matt Froehlich/Request to report to council of past and ongoing events at the business – Mayor Thueson invited Matt Froehlich to address council. Froehlich reminded council about the last city council meeting and later learning about how a neighbor complained about his business. Froehlich said he feels he was blindsided by this issue and was subsequently issued a citation because of it. He said he did his own investigation and spoke to all his neighbors about the noise problem generated by his reefer (a mobile freezing unit located on his property). This complaining citizen resides about two blocks away from his business and Froehlich believes there are other motives behind these complaints. Froehlich said a decibel meter didn't pick up any sounds at that residence. Froehlich said he wanted to address the city council about the issue and provide his side of the story. He said the complainant works for his competition, Larry Johnson. Froehlich said there is a long history between himself and Johnson in the meat cutting business and believes these problems are what is instigating the complaint. The reefer does make noise; it's a

diesel engine and noise does emit from his property. Froehlich said he has letters from neighbors and signatures saying his business is okay and the noise isn't an issue for them. Froehlich said he had only one neighbor decline to sign his letter and that was because she told him she was afraid of retaliation. He said all he is doing is trying to make a living. Froehlich said he is extremely busy right now, with fall being his busiest. He said 60% of his work comes from outside Fremont County. This brings other business into the city. People buy gas and stop to shop and eat at restaurants in town, bringing money into the city. Froehlich said he understands this doesn't give him any special privileges in the city as a business owner. He said he has placed $200,000 into his building remodeling it. He does have another freezing unit coming which he paid $18,000 for and it runs off of electricity. He said he is only asking to run his business and not for any special treatment. He said the citation he was issued, a misdemeanor, carries a maximum penalty of six months in jail and a $1,000 fine, which is severe for someone just trying to make a living. Froehlich said there are numerous businesses in violation of the C1 (commercial) ordinance such as Broulim's, Les Schwab Tire, Shupe Flying Services. All these businesses make noise beyond their premises. Vehicles driving by the house on the highway are louder. Attorney Forsberg said he understands this is a citation for violating the zoning ordinance. Businesses in a C1 zone are to adhere to certain standards. Froehlich is a special situation since the C1 zone encompasses just his lot. Everything around him is R1 (residential). As a result, there was a complaint and a citation issued. Forsberg said this is more of a matter for the court and will be brought before a judge for a decision. If there is a way the city can work something out with Froehlich which would bring him in to compliance with a C1 zone that would be great. Forsberg said this is not the forum to begin a debate about this. This is meant for a judge to hear and decide. Froehlich asked council to look into the ordinance. He continued by saying he was blind-sided by this and that Mad Jack went around door to door and no one signed anything for him. Froehlich said he went door to door and everyone was willing to support them. Councilmember Bagley asked how long the reefer will be there. Froehlich said it will be replaced by an electric one, hopefully before his scheduled court hearing date. The diesel one will be replaced permanently with the electrical one. The electric one will have the hum of a fan like an air conditioning unit. Forsberg said the Planning and Zoning Commission is currently undergoing a rewrite of the zoning ordinances. He suggested Froehlich attend these meetings to provide input to the commission. Forsberg said should Froehlich like to make any sort of argument for modification of zones; this would be the appropriate place to begin. Mayor Thueson thanked Froehlich for coming.

Ordinance Amending Burning of Refuse – Mayor Thueson requested this ordinance be read for the first time and then be placed on the next agenda to read and discuss again. A motion to read Ordinance Number 2013-TBD an ordinance amending Title 8, Chapter 8.12, Section 030 to update current definitions in section 030; and repealing the current 8.12.120 through 8.12.150 and adding a new section 120 regarding the burning of refuse or garbage including general restriction and recreational fires and establishing the effective date thereof was made by Councilmember Erickson and seconded by Councilmember Bagley. All council members present were in favor. Motion passed 5-0. Erickson read the ordinance in full. Councilmember Bagley asked Attorney Forsberg what constitutes the penalty being an infraction versus a misdemeanor. Bagley said she can understand why a repeated offender could be charged with a misdemeanor but

mostly these penalties should be infractions. Misdemeanors can be very damaging to a person should they receive one and Bagley said she would like to see our ordinances with infraction penalties. Forsberg agreed saying he is trying to move the city's ordinances from being misdemeanors to infraction penalties. Unfortunately, Forsberg hasn't had the time to go through the code book and recodify everything. Councilmember Hill asked why this ordinance is being introduced. Forsberg said the current ordinance has two identical sections. This cleans that up. It also identifies the type of burning which can occur within the city. Everything in this code is currently state law. This conforms the city law to state law. Chief Smith said this ordinance doesn't allow for the burning of leaves. The burning of leaves inside the city has created a number of complaints as it is very smoky and dirty. Thueson said the city has a very good garbage collection system in the city and crews go out twice a year to pick up large amounts of yard waste and household waste that doesn't normally fit into the 95 gallon carts. This updated ordinance also allows for burning at any time of day instead of just between the hours of 8 a.m. and 4 p.m. Thueson asked for this item to be placed on the next council's agenda.

Payment Service Network Proposal and Agreement/Parkinson – Clerk Parkinson reported that about a year ago Payment Service Network (PSN) came to the city to offer the ability to take debit and credit cards for utility payments. Council agreed to the service, however, when the contract was completed, it placed the city into a three year contract. Parkinson did not sign the contract and told PSN to contact her at a time in which they would allow for a month to month contract. PSN recently re-contacted Parkinson and provided a month to month contract. This service will allow the city to accept credit and debit cards, and automated payments using checking accounts. In addition they are able to provide an online archive of a customer's billing along with the ability to schedule payments. These payments are then processed directly into the city's cash receiving software saving a considerable amount of manual data entry for the front office. In addition, for an additional monthly fee, which the city pays of $5.95, they provide a mobile application for smart phones for a customer to use to pay their utility bill. The total cost to the city for this service is an annual fee of $89 per year and a monthly fee of $5.95 for the mobile access or an annual cost of $160.40 per year. Parkinson feels like this is a small cost in consideration of the savings of manually entering every credit card transaction. It will eliminate every credit card transaction the city has to do and automates into the city's cash receipting system with a simple download which runs overnight. The consumer pays 2.75% plus $0.50 for all transactions under $100 and 2.75% for all transactions over $100 done by credit card and $1.00 for e-checks. This saves the consumer as the current costs to the consumer is 3% plus $1.00 on all transactions types. Parkinson reported the City of Victor uses this product and reports they have about 75% of their consumers using the product and have found it very successful. Council members asked if they can do an e-bill, an electronic billing, which would save the city postage and paper costs. Parkinson said they could but didn't have the cost for that portion. Parkinson said she would get the information and pass it on to council. A motion to allow Parkinson to enter into the month to month contract, pending Attorney Forsberg's review, with PSN to provide credit, debit and check receipt services to the city was made by Councilmember Haeberle and seconded by Councilmember Hill. All council members present approved. Motion passed 5-0.

PUBLIC COMMENT

Mayor Thueson opened the floor for public comment.

Shea Billedeau said he is working with Attorney Forsberg as an intern. Forsberg said it was Billedeau who prepared the Burning Ordinance for council tonight.

Jim Hobbs, member of the Planning and Zoning Commission, reported they continue to work on the zoning. The next meeting is scheduled for Wednesday, October 16, at 7 p.m. He invited Matt Froehlich to attend and visit with them about the issues he is experiencing at his business. Mayor Thueson said he has invited Travis Eva from the Airport Board to attend the Planning and Zoning meeting. Eva will assist them with zoning standards as it relates to the airport.

Mayor Thueson also recognized two Brigham Young University (BYU) Idaho students in attendance.

Matt Froehlich asked if the property he owns outside the city limits is still mandated by the city's ordinances. Attorney Forsberg said it is in the city's Impact Area and as such follows the city's ordinances, even though it is not inside the city limits. Forsberg said it is in the impact area and is certainly something Planning and Zoning could look at since it's outside the city limits. Where it is not surrounded by residential properties Planning and Zoning would probably be much more inclined to grant a more business friendly type zone to the property. Mayor Thueson said this is a good time to be talking to Planning and Zoning since they are looking at the standards for the new zoning in the Impact Area and the City.

There being no further public comment Mayor closed the floor.

INVOICES & CLAIMS - Payment Approval Reports were presented to Council. Following some questions for staff, which were satisfactorily answered, a motion to pay the invoices and claims was made by Councilmember Bagley and seconded by Councilmember Willmore. All council members present were in favor. Motion passed 5-0.

MINUTES –Regular Council Meeting Minutes of September 26, 2013 were presented to council. A motion to accept the Regular Council Meeting Minutes of September 26, 2013 was made by Councilmember Willmore and seconded by Councilmember Erickson. All council members present were in favor. Motion passed 5-0.

DEPARTMENT REPORTS

Chief Smith reported the new vehicle the department ordered should be in by the end of the month. Officer Distelhorst has completed his certification and is on his own now. Studded tires are legal beginning October 1. Winter parking rules go into effect November 1.

PWS Butigan reported the SCADA system is not quite done, but is running 100% better than it ever has. Thueson said it is all very interesting and they would be doing some training coming up in the next few weeks. Thueson would like to invite any council member to attend this training. He said it is very interesting and everyone needs to know how the city ticks. Thueson said he had a group of youth where he showed them how it works. They were all amazed. Thueson said he would like to take council through our entire water and sewer systems again, as it is very interesting. Butigan said crews are working on getting equipment ready for winter. The city parks are ready. The lights for the new flag pole have been ordered. They are $980 apiece. These were the cheap ones. The others were $1200 apiece. Butigan ordered two. There is no guaranty they will be in place for the November 11th Veteran's Ceremony. Crews will do the best they can, hoping the lights arrive in time. November 4th they will set the flag pole and dedicate and raise the flag on the 5th. The conduit is ready and another meter will be set up for it. Don Rogers is getting a hold of Roger Orr and a young man that needs to do some community service and will clean up the flower beds with Orr's help. Orr needs to just mark the flowers which are perennials.

Attorney Forsberg had nothing to report.

Clerk Parkinson reported Gerry Bates a Community Forestry Assistant from the Idaho Department of Lands is interested in beginning work with the city and the sustainable Community Forestry Program. Bates can assist the city with our Tree Ordinance or our Tree Advisory Committee regarding trees in our community. He would like to meet with the Parks and Recreation Committee to get started. Parkinson would like some help in getting some volunteers together to work with Bates and was open for suggestions. Councilmember Hill asked her to call him next week and they would work something out. Parkinson said she will be attending the Advanced Risk Management Course in Boise next week. The annual audit is scheduled to begin on November 4, 2013. The auditors usually interview one of the council members and said she would be contacting someone to probably come in and visit with them. Parkinson would also like to meet with the Finance Committee on Monday to discuss some short term investment options. The members of the committee said Monday, October 14 at 5 p.m. would work. There will also be the Annual Fall Clean Up of leaves and branches beginning Monday November 4th through Friday the 8th.

COUNCIL & MAYOR REPORTS

Councilmember Bagley had nothing to report.

Councilmember Erickson had nothing to report.

Councilmember Haeberle had nothing to report.

Councilmember Hill had nothing to report.

Councilmember Willmore asked if any crack sealing has been done at the airport. PWS Butigan said it is scheduled and crews will continue to work on projects between scheduled vacations.

Mayor Thueson had nothing to report.

There being no further business to come before the Council the meeting was adjourned at approximately 8:10 p.m. by Mayor Thueson.

Neils Thueson, Mayor

Attest:

Patty Unruh Parkinson, City Clerk-Treasurer