

CITY OF ST. ANTHONY  
REGULAR COUNCIL MEETING MINUTES  
October 13, 2016, 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, Rick Hill, Rodnie Nichols, Russ Rubert and Rod Willmore.

**ALSO PRESENT:** Clerk/Treasurer Patty Parkinson, Attorney Bill Forsberg, Public Works Superintendent Scott Butigan, Officer Mark Distelhorst and seven others in the audience.

**PRAYER** was offered by Councilmember Willmore. (This is a non-denominational offering and anyone who would like to offer prayer may do so by request.)

**PLEDGE OF ALLEGIENCE** was led by Attorney Forsberg.

**GENERAL BUSINESS**

**Recommendation from Planning & Zoning regarding Application for Re-Zone and/or Special Use Permit for St Anthony Tax 4256 (Land South of Block 103) (Kim Campbell) 460 S 11<sup>th</sup> W** – Planning and Zoning Chair Evan Tibbitts said an application for approval of a request for rezoning was received from Kim Campbell. Campbell's request is to rezone the described property from High Density Residential (HDR1) to High Impact Commercial (HIC1). Campbell said he has his home and eight self-storage units on the property and would like to sell the property. The proposed buyer would like to add additional units and is unable to do this as it is currently zoned. It exists now as a currently non-conforming use. The commission voted 8-1 to recommend to council to approve the application request. Jim Hobbs was also present and is a member of the Planning and Zoning Commission (P&Z) and said he was the one dissenting vote. Hobbs began to explain his reason for voting no. Councilmember Nichols asked for a point of order from Attorney Forsberg and asked if Hobbs can testify now in regards to this application. Forsberg said he cannot be testifying without another public hearing before either the P&Z Commission or the Council. This would give the applicant an opportunity to provide a rebuttal. Nichols said council's job is to either take P&Z's recommendation or to remand it back to them for reconsideration or to deny the application. What council can't do is take additional testimony. Hobbs said he understood and stopped speaking in regards to the application before council. Councilmember Hill asked if this is the property with the storage units on it now and if it is just the one lot. Forsberg advised council members to look at the map indicating the property is next to a trailer park and a canal and is just on the edge of the city's limits. Councilmember Willmore asked if this includes his house. Forsberg said it is the same piece of property. Hill asked if Campbell sells the property could they continue to operate the self-storage business. Forsberg said he is not certain there would be room for more. There's a possibility they could get eight more units onto the property. What is there, can continue to operate, but to add any more units would require a zone

change to HIC1. Councilmember Hill asked if the zoning were not changed could the new owners come in and ask for a zone change. Forsberg said yes they could. However, if it is council's plan not to take P&Z's recommendation a second hearing would have to be held by council. Forsberg said P&Z did not consider if adding additional storage units would meet the setbacks or not and the Canal Company had questions about a canal easement and whether or not additional storage units would infringe on the easement. All of that comes after and cannot be a consideration for the zoning. The question is, is it reasonable to change the zoning from HDR1 to HIC1. Hill said he feels council needs to support the P&Z. Rubert and Bagley also agreed. A motion to accept P&Z's recommendation to approve the application for a request for rezoning Land South of Block 103 of the City of St. Anthony as proposed by Kim K. Campbell, applicant from HDR1 to HIC1 was made by Councilmember Willmore and seconded by Councilmember Rubert. All council members approved. Motion passed 6-0.

**Ordinance amending the zoning Map for 460 S 11<sup>th</sup> W** – A motion to suspend the rules and read the ordinance in full one time was made by Councilmember Nichols and seconded by Councilmember Willmore. All council members were in favor. Motion passed 6-0. Nichols read the ordinance in full. A motion to adopt Ordinance No. 2016-08, an Ordinance Amending the Zoning Map of the City of St. Anthony, Providing for the Adoption of the Amended Map, to Change the Zoning at St. Anthony Tax 4256 (Land South of Block 103) Section 1, Township 7, Range 40 EBM, Fremont County, Idaho, from High Density Residential to High Impact Commercial, was made by Councilmember Willmore and seconded by Councilmember Bagley. A roll call vote followed with Councilmembers Rubert, yes; Bagley, yes; Erickson, yes; Nichols, yes; Hill, yes and Willmore, yes. Motion passed 6-0.

**Recommendation from Planning & Zoning regarding Application for Comprehensive Plan and/or Zoning Amendment for St Anthony Juniper View Estates Block 6 (Evan Tibbitts)** – Councilmember Willmore requested to recuse himself from this decision for he has a conflict of interest as he owns a property adjacent to the applicant's. Mayor Thueson excused Willmore. Planning and Zoning Co-Chair Jim Hobbs reported an application for a Comprehensive Plan and/or Zoning Amendment for St. Anthony Juniper View Estates for all of Block 6 and a requested zone change from Low Density Residential (LDR1) to High Density Residential (HDR1). Hobbs reported the recommendation from the Planning and Zoning Commission (P&Z) was to deny the applicant's request. Attorney Forsberg referred to the Finding of Fact and said there were several members of the public that appeared to testify at P&Z's public hearing. They all testified in opposition. The concerns were it is already crowded as it's a cul-de-sac and there is already multiple family housing units there which has caused a shortage of parking and congestion on the streets. They were concerned about the noise and disruption of having additional people and traffic issues. A petition was also submitted against the application with the concern it would lower the property values in the area. The applicant indicated he had no immediate plans to develop the property. Previous to the last zoning update, the property had been zoned as HDR1. Councilmember Rubert said he thinks council should follow the recommendation of the

P&Z Commission. Councilmember Bagley and Erickson agreed. A motion to accept P&Z's recommendation to deny the application of a request for rezoning land in Block 6 of the St. Anthony Juniper View Estates, as proposed by Evan Tibbitts, applicant, was made by Councilmember Nichols and seconded by Councilmember Hill. All council members were in favor. Motion passed 5-0.

**Report from Planning & Zoning Commission regarding possible Annexations –**

Planning & Zoning Chair Evan Tibbitts said this is something the Planning and Zoning (P&Z) Commission has talked about for some time. There are a number of properties receiving city services along Teton Highway just next to the city limits. It was discussed in the past, but decided against annexation as they didn't really know how to resolve the issue of boundaries and different lot sizes. Since then, P&Z would like to recommend proceeding with annexation of these properties and their complete parcels. They receive city services such as water and sewer as well as police protection. Tibbitts said if you ask them where they are from they will say they are from St. Anthony. Attorney Forsberg said annexation is a process governed by State law. It is very specific about when you can and cannot annex. In order to annex in the city, unless someone comes to the city and asked to be part of the city, you have to have the consent of the owner of the property being annexed. Various court cases over the years have held if one is accepting and using city services this acts as consent to annexation. The annexation the P&Z is discussing would be those properties receiving city services. Forsberg thought this would go down to Hog Hollow Road (E 500 N). Forsberg continued by saying, anything being done at those properties could continue. So if there are cows or horses the use continues. Being annexed into the city does not stop those uses. The benefit of going out to include the full properties is there is a lot of development occurring just to the east of these properties. Should the city stop just before these property lines and the development out beyond them wants to be annexed, the city can't annex them because of creating this "no man's" land between. To annex you need adjoining properties. There were some P&Z members who believed annexing these properties would mean they would be paying higher city taxes. No one has done any real research on what the cost is but Clerk Parkinson pointed out to them the City portion of the tax for most properties is less than \$1000 and is in fact closer to being between \$300 and \$600. For a lot of these folks the difference to being in the city or out of the city is really not going to be that great. What does the city get? More citizens, more people concerned about St. Anthony, and a willingness to be concerned about the government of St. Anthony. Tibbitts asked if council would like to see a map of the proposed annexed properties. Mayor Thueson said he would like to see a map first and then have P&Z invite the public to review the maps. Councilmember Nichols asked if there are other properties in the city other than Teton Highway. P&Z Co-Chair Hobbs said yes there is. Nichols said P&Z should look at everything and do it all at once.

**Approve Alcohol Beverage License for Star Bar / Luras –** Clerk Parkinson said this is Valerie Luras' application. Luras is the new owner of the Star Bar. Luras has been approved by both the State and County and has paid her fees in full. A motion to approve the Alcohol Beverage License for the Star Bar's new owner, Valerie Luras, was made by Councilmember Nichols and seconded by Councilmember Rubert. All council

members approved. Motion passed 6-0.

**Approve Resolution 2016-10 Designating Official Financial Depository –** Mayor Thueson said this resolution was read in full at the last meeting. It has been updated. Attorney Forsberg said the update is to permit the City Treasurer to open and maintain credit card accounts as may be necessary. A motion to approve Resolution 2016-10, a Resolution Designating the Official Financial Depository and Authorizing Related Financial Arrangements, was made by Councilmember Erickson and seconded by Councilmember Nichols. All council members were in favor. Motion passed 6-0.

**Discussion/Decision of adding additional flashing Pedestrian Lights on Bridge Street & First –** Mayor Thueson said he has received a number of requests for an additional flashing pedestrian light on Bridge Street and First North. Councilmember Nichols said he recalls if the one placed on Bridge Street and Fourth North worked well then another one would be placed at First North. Thueson asked Officer Distelhorst how the one on Fourth North is working. Distelhorst said many people appear to slow down more when the lights are flashing and they stop. They see them. He thought it would be helpful at First North as well. A flashing light catches the driver's attention. The last two cost around \$6800. Councilmember Rubert said he had a lengthy discussion with a business owner on Bridge and they see a lot of interaction between vehicles and pedestrians and they are quite concerned. Councilmember Erickson asked which side of the intersection would it be placed. PWS Butigan said one side would be picked and the other crossing would be blacked out. Butigan suggested the north side of the intersection as a business called Excellence in Everyone frequently uses the cross walk. They have many clients with accessibility needs and they cross it many times a day to go to the bowling alley, theater or to the park. Nichols asked if another flashing pedestrian light should be installed on Fourth North by the elementary school. Butigan said they have a crossing guard there to assist the children. Nichols said it is still a busy place with many trucks. Council suggested Councilmember Hill talk to the School Board and see if they would like to help the city by purchasing half of the lights or about \$3500. Mayor asked for this item to be tabled until Hill speaks to the school board.

## **PUBLIC COMMENT**

Mayor Thueson opened the floor for public comment.

Clerk Parkinson reported there were some written comments received from the public. She read one received from **Deb Allen**. In summary, Allen wanted city officials to discuss the increasing water bill. Parkinson explained the water usage of this particular customer. Councilmember Erickson said he felt like council and staff try to keep the rates as low as possible. Councilmember Nichols asked about other city's rates. Parkinson provided some rates of other cities of the same size in southeastern Idaho. Councilmember Hill reported Ammon will not meter his office unit properties he owns there. He said he is charged \$350 per month for a toilet and a sink with three office units. Parkinson reported the one percent increase on this year's bills adds about 60 cents per month for the entire utility bill which includes water, sewer and sanitation.

PWS Butigan said just pumping the water is costing over \$10,000 per month. The last well which needed to be fixed cost over \$60,000. Mayor Thueson said there is always a need for a new motor or repair of a motor. Parkinson provided council with some prices of other cities; Rigby for example has a fixed rate for water of \$68 per month. Ours is less than \$30. The City of Salmon has a base rate of \$37 ours is \$28 and their usage rate is \$0.78 per 1000 and ours is \$0.57 per 1000. Our city is really not much different. Mayor Thueson said the city is not out to make money, but to provide the service at the lowest possible cost and in keeping our infrastructure sound.

Mayor Thueson then read into the record an email received from **Brian Melle**. In summary, Melle complimented city council and administration for the good work being done on property cleanup. He requested the city continue to help in the cleanup of the city's neighborhoods. Thueson said things have slowed down for the winter, but in the spring things will start up again in trying to clean up the city's neighborhoods.

There being no other comments, Thueson closed the floor to public comment.

Councilmember Bagley stepped out of the meeting.

**INVOICES & CLAIMS** - Payment Approval Reports were presented to Council. Councilmember Willmore felt the bill to Targhee Regional Public Transport Authority (TRPTA) should be held back until they come to city council for a request or feedback. Councilmember Hill said he is not opposed to paying it but felt like they should come and talk to council. Willmore said \$1000 isn't that big a deal to the city, it's just the principal of it. The city shouldn't just give out money every year because they send us a bill. Councilmember Erikson asked about the purchase of pumps. Butigan said non-clogging pumps were purchase for two pumps in the city due to the problem of towels and other items being flushed, causing some real problems in the sewer. Following some other questions, which were satisfactorily answered by staff, a motion to pay the invoices and claims of September 17 through October 7, 2016 with the exception of the \$1000 invoice to TRPTA was made by Councilmember Rubert and seconded by Councilmember Nichols. All council members were in favor. Motion passed 5-0.

**MINUTES** - Regular Council Meeting Minutes of September 22, 2016 were presented to council. Councilmember Willmore had some corrections. He pointed out a spelling error on page two, which Parkinson corrected. Then he said the motion to purchase a new police vehicle passed 5-0 and he abstained from voting. Councilmember said the minutes show him as seconding the motion and he didn't and also abstained from voting. Willmore said he abstained because he wasn't ready to make a decision. The motion was seconded by Councilmember Nichols. Willmore continued by saying he believed Councilmember Bagley also abstained from voting but he wasn't certain. Parkinson said she will check with Bagley when she returns. So the motion passed either 3-0 or 2-0, but it still passed as not voting is not considered a "no" vote. A motion to accept the Regular Council Meeting Minutes of September 22, 2016 with all noted corrections was made by Councilmember Hill and seconded by Councilmember Willmore. All council members were in favor. Motion passed 5-0.

Councilmember Bagley returned to the meeting. Parkinson asked Bagley if she abstained from voting on the vehicle in the last minutes. She reported to Parkinson she had abstained.

## **DEPARTMENT REPORTS**

**Officer Distelhorst** had nothing to report other than things are going good in the police department.

**Public Works Superintendent Butigan** reported the second layer of pavement on West Main was currently being applied and they were all the way down to Bridge Street. Mayor Thueson said they called him this afternoon and wanted to know how late they could work tonight. Thueson said he told them they could work through the night if they wanted as it was important to get the work done before the weather turns bad. Butigan said they will start prepping the sidewalks and working on them possibly Monday or sooner. The approaches will be poured tonight. Butigan didn't know how many they'll get done, but will do them as weather permits. It is looking pretty good. The parks are being winterized. Councilmember Hill asked what kind of lawn mowers were bought. Butigan said eXmarks. Butigan said we were fortunate enough to buy two mowers for the price of one with the better trade in received on the old mowers. The old mowers traded in were six years old and still had some value to trade.

**Attorney Forsberg** reported dismissing the last pending citation against the code offender in the city. The city's effort to clean up yards is officially done until next spring. A letter was sent to Maverik Corporation in regards to toning down their sign. They have until around the 24<sup>th</sup> or 26<sup>th</sup> to comply. Forsberg received a call back from their counsel yesterday and he is scheduled to call back next week and hopefully it can be resolved.

**Clerk Parkinson** reported on attending the PRMIA Risk Management class in Idaho Falls today. She explained the benefits to the city having a Risk Manager attend the classes and the items they reviewed in today's meeting. The city received \$500 from the Pioneer Days Committee. The Idaho Independent Intergovernmental Authority (III-A) reimbursed the city 25% of the total amount the city had to pay in the first year as fund reserves as directed by the Idaho Department of Insurance. The III-A pool is ending another successful year and the city is finally reaping the benefits of belonging to this pool. The pool has added another six new members in the last year for a total membership of 28 cities, 3 fire districts, 2 highway districts, and 1 irrigation district representing approximately 600 full-time employees. This year the city maintained the same health benefit pricing with added benefits to the city's employees. Mayor Thueson said this is really different than what his rates are doing. He reported his rates for his wife and himself are going up \$1500 for next year. Councilmember Erickson said keeping these rates down helps in keeping rates for water, sewer and sanitation down. Parkinson reported on some of the benefits and only wishes the city could provide for employee dependents as well. As long as things remain the same, the city will receive

the rest of the assessment over the next three years. Parkinson is currently a board member of III-A. It's been a good thing for the city, giving smaller cities a voice in their health benefits. Mayor Thueson said he thinks it's a really good thing Parkinson is on the board. She represents us very well and isn't afraid to speak up. Parkinson said she will be gone Monday afternoon and Tuesday next week to attend the III-A Board meeting in Ketchum and thanked council for allowing her to attend these meetings.

**COUNCIL & MAYOR REPORTS**

**Councilmember Rubert** had nothing to report.

**Councilmember Bagley** had nothing to report.

**Councilmember Erickson** had nothing to report.

**Councilmember Nichols** had nothing to report.

**Councilmember Hill** had nothing to report.

**Councilmember Willmore** had nothing to report.

**Mayor Thueson** had nothing to report.

There being no further business to come before the Council the meeting was adjourned at approximately 8:35 p.m. by Mayor Theuson.

  
Neils Thueson, Mayor

Attest:

  
Patty Unruh Parkinson, City Clerk-Treasurer

