COPY

COUNCIL MEETING MINUTES
ST. ANTHONY CITY COUNCIL MEETING – JULY 9, 2008
CITY OF ST. ANTHONY, IDAHO
420 NORTH BRIDGE, ST. ANTHONY, IDAHO

PRESENT: Mayor Bill Beck, Councilmembers Garth Rose, Woody Andersen, Bryan Fullmer, and Elva Powell. Councilmembers Dee Rausch and Bryan Stoddard were excused.

ALSO PRESENT: City Attorney Bill Forsberg, Supt. Scott Butigan, Police Chief Jim Smith, City Clerk-Treasurer Taci Stoddard, Chamber President Sherri Thomas, Fremont County Economic Development Director Cathy Koon, Paul Snarr of Schiess & Associates, concerned citizens, and news media.

PLEDGE OF ALLEGIANCE: Mayor Beck led those present in the Pledge of Allegiance.

PUBLIC HEARING – GRAVEL PIT SALE: Mayor Beck opened the hearing and explained the purpose of the public hearing was to solicit public comment on the proposed sale of the gravel pit on the south side of town formerly owned by Fremont County. No public comment was received. The Mayor closed the public hearing at 7:10 p.m. A motion was made by Councilmember Andersen to move forward with the disposition of the property as planned, 2nd, all in favor, motion carried. The public auction will be conducted at 10:00 a.m. the next morning, July 10th.

PUBLIC COMMENT TIME: There were no public comments received.

TRAILER COURT LEASE OF CITY STREET: Trailer court owner, Rich Nagle, appeared before the Council to discuss getting a lease or an easement for a portion of the City street that runs along the back of the trailers in his trailer court. The subject street is South 12th West. Some of the trailers are in the City right of way, and were that way when he purchased the trailer court. Leasing ten feet of the right of way was discussed, and Mayor Beck mentioned it would need to be done on both sides of the street to keep the street uniform. Councilmember Andersen stated there were utilities on both sides of the street, and would not like to see the property deed but leased. The Mayor recommended that Mr. Nagle get together with the City Attorney and work out a lease agreement that could be presented to the city council. Attorney Forsberg stated it could be done like a fence easement which states improvements can be done as long as it doesn't interfere with the utilities.

Neighboring property owner Kim Campbell stated that some of the fences being put up at the trailer court aren't very attractive. He would also like to see the 1 ½ blocks that haven't been paved so that people would use it as a street/frontage road instead of an alley. He feels some of the trailer owners think of the street as an alley and use it that

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way. He stated the trailer court has problems with its appearance of the fences and structures which affects the two businesses he runs on his property. He asked about the grant money being used to pave the street. Mayor Beck explained the funds can only be used on 12th West, but that the City is looking at the condition of the streets throughout the city and paving of that unpaved section of street would be a consideration.

Nagle will work with the City Attorney and present a lease at a future meeting.

JULY 26TH FARMER'S MARKET: Chamber of Commerce President Sherri Thomas asked for clarification on holding the Farmer's Market on Saturday, July 26th. A question was raised about whether it may be a problem to hold the market that day as it is Pioneer Day in the City that day. She explained she received a message that the market couldn't be held that day in the City Hall parking lot because of parking issues. She contacted Councilmember Rausch about what had happened, and if the Council had discussed the issue. Rausch reported to her it hadn't been discussed again by the Council. Thomas asked the Council to stick with the previous agreement to allow the market on Saturday's in the City building parking lot. The local vendors are looking forward to having their biggest day of sales that day.

Mayor Beck explained that it was his decision to not allow the market in the parking lot that day. He stated that along with the huge number of people using the parking lot that day, it has been a long standing tradition to not allow outside sales on Pioneer Day only for the Pioneer Days Committee. He further explained that the Council didn't take into consideration that day at the time permission was given to use the City building parking lot. Councilmember Fullmer asked how many vendors the market had. Thomas explained there are about 15-20. A compromise was suggested that would allow the market to use the grassy area to the north of the parking lot. The Mayor informed the Council all the pavement as well as the grassy area is used for parking. Cathy Koon, who also serves on the Pioneer Days committee, stated she remembered two or three years ago that the Pioneer Day's Committee Chair Jerry Edgington informed the Committee that the City couldn't tell people to not sell or prevent people from using the sidewalks to set up. She stated the Committee had been working from that information, but that they do discourage the outside sales. She also stated it was unfair to people to tell them, on what might be the best day all summer, they can't set up.

Councilmember Fullmer said he would like to see both committees meet and see if something could be worked out. Rose agreed and stated maybe a different location could be used. Several different locations were discussed, with suggestions being made to accommodate both entities. Andersen suggested lining up booths with the front of the City Building and to the north. Fullmer recommended the Council table the matter for a week and see they can reach an accommodation with the two organizations. Mayor Beck asked Thomas about food and if the vendors had the proper permit. Thomas replied that everything had been cleared.

Insurance for the event was discussed, and Thomas explained that the Chamber has insurance for their portion of the leased building and their other events such as the

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Streetfest. She stated she had not asked for coverage specifically for the Farmer's Market. The Mayor suggested it would be wise for her to check on that. The Council agreed to allow the Farmer's Market as outlined by Councilmember Andersen to set up north of the parking lot and line up with the front of the City Building.

VARIANCE REQUEST – GORDON & ARONLEE GOULD: The City Attorney explained that the Gould's had requested a variance on their property on North Bridge to allow them to park their RV for several months of the year. The property is zoned R1. Planning and Zoning had recommended denying the variance because City code regarding variances stated there should be at least two similar uses within a one block area, which there isn't. Mr. Gould explained it is a seasonal thing. He also asked what they were allowed to do with their property, which is 9,000 square feet. It is not big enough for a home, but too small for anything else. Forsberg stated 10,000 square feet is required for a home in an R1 zone. This was also discussed by planning and zoning. Forsberg stated he believes they may meet the conditions for a variance for a house as it is likely there are at least two similar uses with other homes built on less than 10,000 square feet. The only option for the council is changing the law because the variance is not allowed by ordinance.

Aronlee Gould explained they would enhance community by improving their lot. They would bring in topsoil and landscape the property and put up privacy fence. Councilmember Fullmer stated the problem is that the city attorney stated they can't legally grant a variance, but they may want to try and their change plans with something they could get a variance on. Forsberg informed Councilmembers there were people at the hearing who were concerned about seeing the variance granted. The possibility of a duplex was discussed with the Gould's which they may pursue. The variance to allow long term RV parking on the property was denied as recommended by the Planning and Zoning Commission.

EMPLOYEE INSURANCE: Kay Biorn, a local insurance agent, asked if the Council would allow him to get applications from employees and pursue some underwriting to give the City a quote on health insurance that may be competitive with what the City currently has. A motion to authorize Mr. Biorn to proceed was made by Rose, 2nd, all in favor. He will also look into writing a group life insurance policy for the employees.

KIOSK LEASE AT KEEFER PARK: Thomas and Roberta Goe, owner of Spurs & Spokes, presented a proposal that would allow them to place a kiosk they have acquired in Keefer Park that would sell coffees, cotton candy, snow cones and other items. The building is NSF approved, looks good, and is self contained. It is an 8 foot by 8 foot unit that is all metal. The height is 8 ½ feet with a 10 foot awning. They would pay for power and have liability insurance. Goe proposed that the City could let them try it and if they don't like it the lease could be terminated. They would like to have it there all year round. The Council discussed with the Goes where the kiosk would be placed in the park and talked about working something out on the days there are other commitments with the park such as Fisherman's Breakfast and Pioneer Days. Parking issues were also

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discussed. Mr. and Mrs. Goe will work with City Attorney Forsberg and the lease will be put on the agenda for council consideration on July 23rd.

PERMISSION FOR SEPTIC SYSTEM – VALERIE HULL: Valerie Hull appeared before the Council to discuss a solution to difficulties they are having hooking up to city utility services at a home she recently purchased. The home has been on a private septic system which has now failed. Efforts to hook up to city services have met with problems because of extensive lava rock, the odd shape of the lot, and the proximity of the canal. The Mayor explained that it had been determined by him and Supt. Butigan that it wasn't economically feasible for the City to put in lines for the property because of the high costs involved with getting through the rock. The City will be allowing them to put in a septic and drain system. Hull explained that the other problem is that because of the location of the home being close to the canal the only place to put in the septic and drain field in is to the west of the home with part of it being on a tiny piece of property the city owns. She has concerns with people driving over the drain field as part of the City right of way.

The Mayor stated that property lines needed to be established in order to lease the property. Hull and the Council discussed problems with leasing and getting a bank or lending institution to loan money on leased property. Andersen asked if the lease could be transferable to others. Forsberg stated it could get them by with a lender. The Mayor asked Hull to work with the City Attorney to get on the July 23rd agenda with a lease. The Council confirmed the agreement to allow them to do a septic system and not hook up to city services. Forsberg stated he would write it up as an easement because there would be no fee. A survey will be needed and Paul Snarr of Schiess & Associates offered to have a crew up on the following Monday to do that. A motion to proceed with the stipulations discussed was made by Fullmer, 2nd, all in favor.

LINDA EVENSOISKY/JACK WRIGHT LEASE – City Attorney Forsberg stated he had a lease agreement drawn up for each lease adjoining property owner to lease ½ of the unused street for $100 per year. A motion to authorize the Mayor to sign at such time as the lease is agreed upon by the involved parties made by Councilmember Powell, 2nd, all in favor, motion carried.

SCHIESS & ASSOCIATES – STREET PROJECT REPORTS: Paul Snarr informed the Council that the bids on 12th West had been opened with HK being the low bidder. He brought three copies of the contract for the Council to review. Because of the low bid more will be completed than originally estimated. He reported HK was planning on starting the following Monday.

Snarr presented to the Council examples of the larger boards that could be done for display at the public meetings. Snarr and the Council discussed the various alternatives and their costs. Suggestions were made on including a board showing a cost comparison of the three alternatives. Snarr feels like if the City were to do the minimum recommendation and then get on a scheduled rotation for maintenance the City would be in good shape. Councilmember Fullmer stated the City would need to bond no matter

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which alternative was chosen, and the Council just needs to get the public to say whether they want to proceed or not. Public meetings and display dates were discussed and meetings were scheduled as follows: display set up at City Hall on Pioneer Day, July 26th from 8 a.m. to 10 a.m. in the foyer for people coming to and from the bake sale; a public meeting to be held Wednesday, August 6th from 6 p.m. to 8 p.m.; and a display to be set up at a booth at Summerfest in August.

Snarr reported on the Safe Routes To School grant and project. A survey crew had come up to do some preliminary work. He discussed with the Council what size of path, and whether it should have curb and gutter. Mayor Beck talked about the possibility of a 3rd turning lane that could be done with an LID. Councilmembers agreed they preferred to see 3 lanes with curb, gutter and sidewalk.

COMPREHENSIVE PLAN: Planning and Zoning has recommended approval of the comprehensive plan, and the City Attorney told Councilmembers a hearing needs to be scheduled before the City Council. Councilmember Andersen reported he had read the plan and had some items marked for discussion or correction. Councilmember Fullmer requested a work meeting be held to go over the plan. The Council agreed on a work meeting on July 23rd from 5:00 p.m. to 7:00 p.m. prior to the next regular Council meeting.

ANNEXATION ORDINANCE 2008-1 CORRECTION APPROVAL: City Clerk-Treasurer Stoddard explained that a correction was made on the ordinance to fix a legal description error and the ordinance was re-recorded. The State Tax Commission is requiring that the correction be approved by the Council for the change. A motion to change ordinance 2008-1 to show corrections in the legal description was made by Councilmember Fullmer, 2nd, all in favor.

PUBLIC COMMENT – CORNER BY CITY HALL & GARBAGE CONTAINERS: The Mayor re-opened the public comment time for resident Bob Bauer who asked the Council to consider that the Rotary Club would still like to put some landscaping at the corner just north of City Hall, and would like to see that be possible. Mayor Beck explained that the City has an encroachment permit for the property, and he would like to see the funds from the Edge Wireless lease that has been received put towards a sprinkler system for the property. Bauer asked if Rotary could develop a plan prior to the sprinklers being installed. He will meet with the Rotary committee and proceed with getting a plan for the Council.

Bauer also stated he would like to see it made mandatory that residents put their garbage cans away after the garbage is picked up. He counted 49 cans on one street that were not put away, and he feels this is a major problem. He suggested adding a penalty to the utility bill if they weren't put away.

MINUTES: Minutes from the June 11, 2008, Council meeting were presented for council approval. A motion to approve was made by Councilmember Fullmer, 2nd, all in favor, motion carried.

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BILLS: Bills to be paid were presented for Council approval. After discussion and questions were answered a motion to approve was made by Fullmer, 2nd, all in favor, motion carried.

MAYOR & COUNCIL REPORTS
DEPARTMENT REPORTS

MAYOR BECK

The Mayor reported that the committee overseeing the industrial park has approved the concept of allowing hangars to be built on the 1st seven lots of the park. Lots 1 through 3 have been sold. They will be nice hangars that will conform to the exterior requirements of the industrial park. He informed the Council that one of the property owners operates a tree business and the other an airplane repair/restoration business. State aeronautics became involved in approval of the idea because the owners wanted to have a taxiway on their side of the airport which will be partly on their property and partly on the City's. They will be responsible for the costs of the runway development and construction.

The Mayor reported he was made 1st Vice-President of the Association of Idaho Cities at the annual conference recently held in Boise. He will become president next year. He stated it is an honor for the City, and the City has always been active with AIC.

COUNCILMEMBER FULLMER

Fullmer asked about the procedure to open the budget to spend the rent money from the cell tower. The Mayor explained that it is the same procedure for adopting the budget and that a hearing would have to be held for budget amendments before the end of the fiscal year.

COUNCILMEMBER ANDERSEN

Andersen asked what was being done to address problems that have occurred because of the dog that bite David Atkinson, one of the post office employees. Andersen was informed that it will be on the agenda for the next meeting and the matter has been referred to the City Attorney.

Andersen also reported that the AIC annual conference meetings were good.

CITY CLERK-TREASURER STODDARD

Stoddard discussed an upcoming transportation funding meeting being put on by the Governor on July 22nd at the Shilo. Mayors and Councilmembers are scheduled for 9 -10 a.m. Stoddard also reported on the recent ECHO meeting and discussions at that meeting about the need to address the lack of funding for roads and streets. Mayor Beck and Supt. Andersen reported they had received information at the AIC conference about the poor transportation conditions statewide.

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SUPT. BUTIGAN
Butigan informed the Council that a BYU-I student was working on some landscaping design for Cindy Miller for Boys Town Park. He also reported on the good job the service group did in clean up of the park.

CHIEF SMITH
Chief Smith reported that it was estimated it would take $5,000 to $6,000 to fix one of the police vehicles that will be replaced, so they may be parking it until they get the new car. The vehicle became unsafe to drive.

The Chief reported on grant funds that that may be able to be used towards getting new radios as part of the interagency interoperable communication project. The Mayor stated that part of the plan is an additional repeater in St. Anthony.

There being no further business to come before the Council the meeting was adjourned at 9:30 p.m.

Willard D. Beck

Attest:

Taci Stoddard, City Clerk-Treasurer

City of St. Anthony Idaho

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City of St. Anthony
420 N Bridge, Suite A
St. Anthony, ID 83445

208-624-3494

August 19, 2008

Craig Johnson, GIS Analyst
State Tax Commission
800 Park Blvd, Plaza IV
Boise, ID 83722

Re: Ordinance #2008-1 (Annexation)

Craig,

I have enclosed a copy of the City Council meeting minutes which approve the corrections/change to Ordinance #2008-1 for annexation. The approval is on page 5 of the minutes. We hope this will allow you to proceed with processing this annexation. Please contact me if you have any questions.

Sincerely,

Taci Stoddard
City Clerk-Treasurer

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Re-record to correct legal description error

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ORDINANCE NO. 2008- 1

AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF ST. ANTHONY, IDAHO; DESCRIBING SAID LANDS AND DECLARING SAME A PART OF THE CITY OF ST. ANTHONY, IDAHO, AND THE CLASSIFICATION OF THE SAME UNDER THE ZONING ORDINANCE OF THE CITY OF ST. ANTHONY, IDAHO; AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, the lands hereinafter described are contiguous and adjacent to the City of St. Anthony, Idaho, and have been laid off, subdivided or platted, and have been determined to be reasonably necessary to assuring the orderly the City of St. Anthony, Idaho, and

WHEREAS, it appears to the Mayor and City Council of the City of St. Anthony, Idaho, that the hereunder described properties are subject to annexation to the City of St. Anthony under and pursuant to the provisions of Section 50-222, Idaho Code, and that said lands should be annexed to and become a part of the City of St. Anthony, Idaho, and

WHEREAS, the City Council referred the zoning of the affected territory for report and recommendations to the Planning and Zoning Commission, and the Planning and Zoning Commission made its report and recommendations for zoning classification of the hereinafter described properties proposed to be annexed, and

WHEREAS, the City Council has determined that the proper classification under the Zoning Ordinance of the City of St. Anthony, Idaho, for the properties to be annexed are as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, AS FOLLOWS:

SECTION I. That the following described lands situated in the impact area of St. Anthony, Fremont County, Idaho have been proposed for annexation into the City of St. Anthony, to-wit:

Part of the Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section 31, Township 8 North, Range 41 East of the Boise Meridian, Fremont County, Idaho described as follows:

> Beginning at the intersection of the centerline of Radio Road and the Northerly right-of-way line of U.S. Highway No. 20 - 191 that is S.89°46'38"W. 768.04 feet along the section line and N.00°13'22"W. 642.83 feet from the South Quarter corner of said Section 31 and running thence N.44°50'50"E. 575.58 feet along the centerline of said Radio Road to the Southwest corner of Radio Road Addition to the City of St. Anthony, Fremont County, Idaho; thence S.45°39'07"E. 175.00 feet along the South line of said Radio Road Addition; ~~thence S.44°50'50"W. 256.38~~ S.44°50'51"W. 258.17 feet along the East line of the properties as described in Instrument Numbers 339709, 459693 and 371052 to the North line of the property as described in Instrument No. 500923; thence along said North line the following two (2) courses: (1) S.89°46'57"E. 2.55 feet; thence (2) N.71°10'55"E. 286.02 feet; thence

S.00°24'57"E. 183.55 feet to the Northerly right-of-way line of U.S. Highway No. 20 - 191; thence S.88°57'04"W. 623.71 feet, shown of record to be S.89°22'00"W., along said Northerly right-of-way line to the point of beginning.

Area contains 2.94 acres.

These Parcels, also identified on the Annexation Map dated October 3, 2007, shall be, and the same hereby are annexed to the City of St. Anthony and shall be, and are hereby declared to be a part of the City of St. Anthony, Idaho.

SECTION II. That the above described properties hereby annexed to the City of St. Anthony be, and the same are hereby classified under the Zoning Ordinance of the City of St. Anthony as R-1 Residential; that the Zoning shall be amended to show this annexation and classification of the above described properties so annexed and that said amendment shall be certified to and declared to be the official Zoning Map of the City of St. Anthony by a certificate of the Mayor and Council of the City of St. Anthony endorsed thereon.

SECTION III. This ordinance shall be in full force and effect from and after its passage, approval and due publication.

ENACTED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR this 9th day of January, 2008.

CITY OF ST. ANTHONY, IDAHO

Willard D. Beck

WILLARD D. BECK, MAYOR

ATTEST:

Taci Stoddard

TACI STODDARD, CITY CLERK

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Microfilm No. 28 Day Jan 2008

At 10:41 o'Clock A M

ABBIE MACE

FREMONT CO RECORDER

Fee $ 0- Deputy

Recorded at Request of

Taci Stoddard

City of St. Anthony

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City of St. Anthony
420 N Bridge, Suite A
St. Anthony, ID 83445

208-624-3494

May 28, 2008

Craig Johnson
Idaho State Tax Commission
800 Park Blvd, Plaza IV
Boise, ID 83722

Craig,

Here is a corrected copy of Ordinance #2008-1 that was returned to us by you to be corrected. The legal has been corrected and should now close properly. Please let me know if there are any further problems.

Sincerely,

Taci Stoddard
City Clerk-Treasurer
City of St. Anthony

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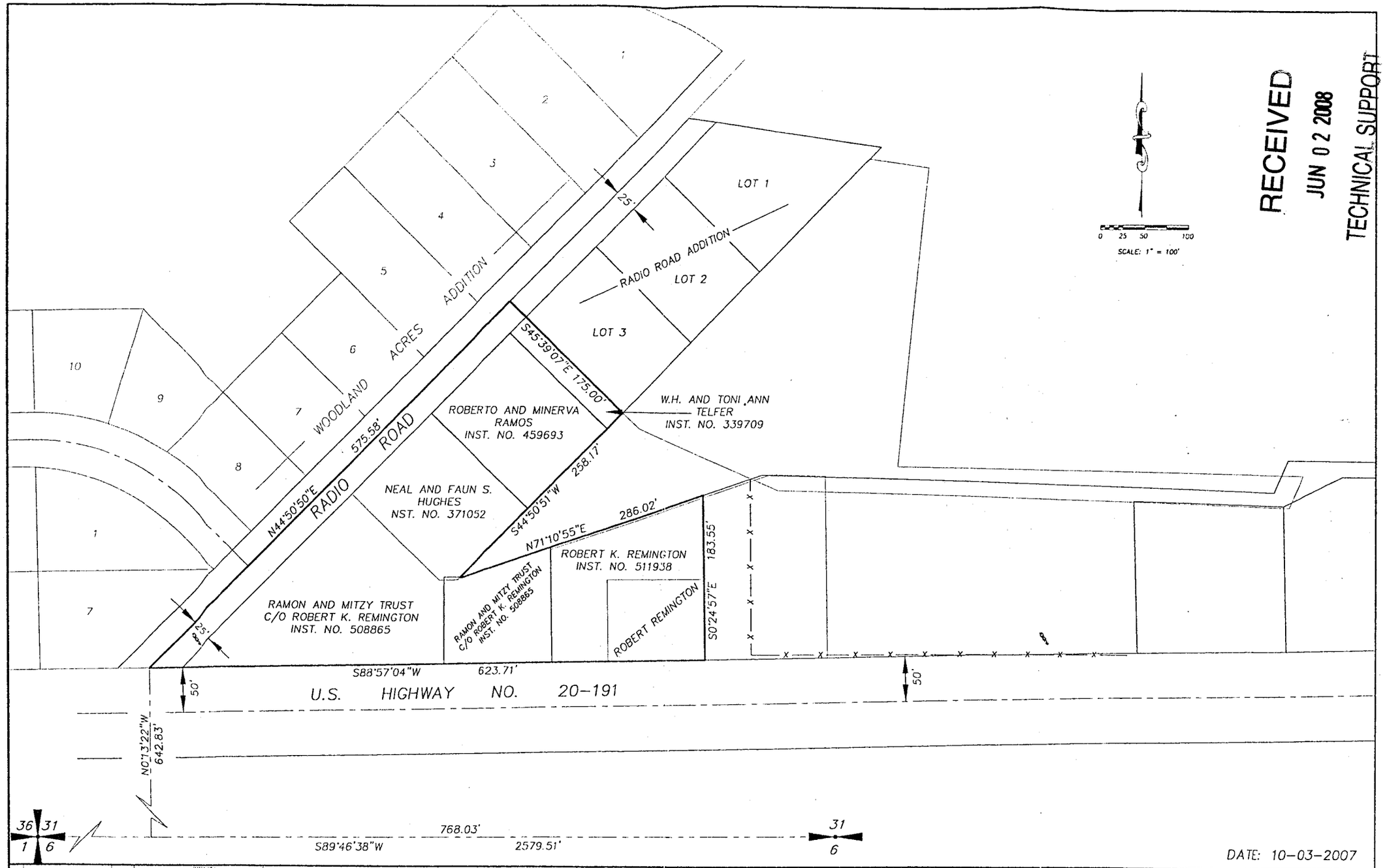

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DATE: 10-03-2007

NO.	REVISIONS	BY	DATE

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DRAWN: TRM	CHECKED: TRM		
DESIGNED: TRM	APPROVED: TRM		
CAD NAME: 07237	HORZ. SCALE: 1"=100'	VERT. SCALE: N/A	

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CITY OF SAINT ANTHONY, IDAHO

ANNEXATION SURVEY
SEC. 31, T. 8 N., R. 41 E.B.M.

PROJECT NO. 07237
SHEET NO. 1