

MINUTES–CITY OF ASHTON

REGULAR COUNCIL MEETING

Wednesday, November 10, 2021

7:00 p.m.

714 Main Street

*The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of **Public Hearings**. The Mayor will not normally allow audience participation at any other time. Idaho Law prohibits council action on items brought under this section except in an emergency circumstance.*

Due to the COVID-19 pandemic, social distancing will be required which may impact the amount of people able to attend the meeting.

Please do not attend the meeting if you feel sick or have been around those who have been sick.

PRAYER OFFERED BY: Teresa Hansen
CALL TO ORDER & WELCOME
PLEDGE LED BY: John Kaelberer

In Attendance: Teresa Hansen, Jerry Funke (attended via Zoom) and John Kaelberer. Mayor Mattingly and Councilman Atchley were not in attendance.

Also, in attendance: City Clerk Stegelmeier, Police Chief Griffel, City Attorney Angell, P&Z Administrator Bowersox, Sheryl Hill, Kathy Scafe and John Scafe.

Councilwoman Hansen welcomed everyone and opened the meeting at 7:00 pm

1. Executive Session – City Attorney Angell

I.C. 74-206 Certain City-related matters may need to be discussed confidentially as a matter of law (Acquisition of real property, personnel matters, attorney-client communications) subject to applicable legal requirements, the Council may enter executive session by roll call vote to discuss such matters.

(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Councilwoman Hansen explained that the council would forgo the Executive Session at this meeting.

2. CONSENT AGENDA: **ACTION ITEM**

Being considered routine by the City Council, these items will be enacted by one motion unless requested by a Councilman or a citizen that one or more items be removed for later discussion.

- A. **Minutes** – Approval of Special Meeting Minutes 10-6-2021, 10-13-2021, 10-20-2021
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilwoman Hansen asked if the dust guard on the road was done earlier the year prior. City Clerk Stegelmeier replied that the dust guard was applied in June but the billing did not come until this month. Councilwoman Hansen also expressed her opinion that the Thanksgiving banners are really nice and she was glad to see them.

Councilwoman Hansen made a motion to approve the consent agenda as presented. Councilman Kaelberer seconded the motion. The motion passed unanimously.

Public Hearings:

Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the Mayor/Council

3. Wastewater Connection Fee Increase – City Attorney Angell **ACTION ITEM**

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Councilwoman Hansen turned over the meeting to City Attorney Angell who will conduct the public hearing. City Attorney Angell explained that there are two public hearings to be conducted. The first hearing will be a raise in the connection fee for wastewater service. He then asked City Clerk Stegelmeier if the proper notice had been given. She replied that it had and a copy of the affidavit of publication was included in the council's packet. He then asked if any of the councilmembers need to declare a conflict of interest. There were none. City Attorney Angell then asked City Clerk Stegelmeier to give an overview of why the council is considering a fee increase. City Clerk Stegelmeier explained that this fee is the fee charged to connect to the system. It would not affect those who are currently connected to the system. There have been some property owners that have had their connection removed and it would apply in that situation. This fee has not changed in many years and does not reflect current costs. There is a survey of fees done by Schiess & Associates each year which gives many of the connection fees for the nearby cities. As part of the wastewater project that has just been completed, the city asked Keller Associates to do a study of what the cost should be to buy into the system. At this time the fee is \$500 for residential hook up and \$1000 for commercial. The engineers recommend that the cost be \$2447 for a hookup. The council is having this public hearing to get the public's input on raising the fee.

City Attorney Angell then opened up the hearing for comments from the public. There had been no one who signed the sign-up sheet. He asked if anyone from the audience would like to speak.

Cory Sorensen, 1041 Country Road, Sugar City. Mr. Sorensen said he just had a question but City Attorney Angell asked that he come up to the microphone. Mr. Sorensen wanted to clarify the cost of the hookup. He explained that earlier City Clerk Stegelmeier had mentioned residential costs differing from commercial costs and he wondered if there will still be those distinctions.

City Clerk Stegelmeier replied that she was glad he asked as she had forgotten to explain that thoroughly. She went on to say that the sewer base rates are charged by equivalent dwelling unit (EDU). In the Keller study it was recommended that the city change the way this connection fee is structured and charge the fee per EDU. Each single dwelling is counted as 1 EDU and there are different ways of figuring the EDU depending on the kind of business/use. Restaurants are so much per number of tables and hotel/motels are so much per room. She explained that if Mr. Sorensen wanted to have a copy of the EDU chart he could come into the city and she would get it for him.

Mr. Sorensen had no more comments. City Attorney Angell thanked him for his comment and asked if there was anyone else who would like to comment.

John Scafe, 687 Idaho, Ashton. To keep infrastructure upright he feels that the city does need to increase this cost. He has a question. He said he had heard from a person wanting to buy a business that it was going to cost them \$4500 to hook up to services. He is wondering where the confusion was there.

City Clerk Stegelmeier asked if the business in question happened to be the BDM building. He replied that it was that building. She explained that the owner had asked that the services be removed so that she would not have to pay the base rates. The water meter was removed and the sewer line disconnect. Right now, it costs \$1000 for a commercial building to connect to sewer services and \$3500 to connect to water service.

Mr. Scafe said he had just wanted clarification and wasn't aware that the sewer service had also been disconnected. He asked if the cost of a water connection was going to go up. City Clerk Stegelmeier replied that the council was considering requesting a study on that but that they have not had one done yet. She is of the opinion that if the water connection fee changes – it will change to being charged by water line size instead of the commercial/residential fee now.

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City Attorney Angell thanked Mr. Scafe for his comment and asked if there was any one else who would like to comment. Seeing none, he closed public hearing at 7:11. He then turned the time over to the council for deliberation.

Councilman Kaelberer explained that he thought they should wait to deliberate until they had all of the council there for the deliberation. Councilwoman Hansen agreed that waiting until the next month was good. She also said that she is of the opinion that the council should just set that fee at \$2500. Councilman Funke also would like to wait until next month.

Councilman Kaelberer made a motion to table the wastewater connection fee discussion to the December meeting when more of the council is in attendance. Councilwoman Hansen seconded the motion. The motion passed unanimously.

4. Idaho Community Development Block Grant Application – Rick Miller *ACTION ITEM*

City Attorney Angell then began the second hearing of the night by asking the Councilmembers if any of them would like to declare a conflict of interest. There was no conflict declared. He then asked Rick Miller of the Development Company to give a presentation on the ICDBG application.

Rick Miller explained that a public hearing is a requirement when applying for a grant through the Idaho Community Development Block Grant process. There are two hearings required – one at the initial stage of the application for citizens to comment if they have any questions, comments or concerns about the money the city is applying for through the state. The second hearing will be held if the city is awarded the grant at about when the project is at about 50% complete. He gave a description of the project. The grant application is for \$500,000 through the Community Development Block Grant program administered by the Idaho Department of Commerce. The project is in regards to headworks facility that he has discussed earlier with the council. The improvements would include building a headworks building with a screen, purchasing evaporators and replacing approximately 675 linear feet of older sewer lines. The total budget for the project is \$950,000 which includes all construction, engineering and administration. The anticipation is that if the city were awarded the grant, it would then use \$450,000 of reserve funds to complete the project. The application is due November 19, 2021. Once that is submitted to the state, the governor's advisory council will meet in January to look at application. The applications are competitive but if they like the application, they will ask the city to submit an addendum addressing any questions that they may have concerned the application. Following completion and submittal of the addendum the city will be notified in late April or early May if the application is successful. He explained that he has found that this year is going to be a really competitive year. The number of applications coming in throughout the state is much higher than usual. It is a good project because user fees are high and thus it shows that a grant would help the city's customers. There are several places in the state with higher fees. The beneficiaries are all city residents. The city is eligible as we rank at 51% citizens with a low or moderate income. The funds are available through the HUD Act that was passed in 1974. Councilman Kaelberer asked whether an application for a grant through the Army Corps of Engineers had been completed. Mr. Miller replied that he has met via phone with Karen Kelley who is with that program and he will be meeting with her again later in the week. The Army Corps asks for a letter of interest to be submitted and the dates that funding would possible be available varies. Mr. Miller is trying every source to help out Ashton citizens.

City Attorney Angell thanked Mr. Miller for his presentation and then asked City Clerk Stegelmeier if the proper notice had been given. She replied that it had but that she had not received the affidavit of publication. She thinks that the affidavit went to the Development Company as they sent in that notice. Mr.

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Miller replied that they had received it and it is in the application.

City Attorney Angell opened the meeting for public comment. As there were no signatures on the sheet to speak, he asked the audience if there was anyone who wished to speak. Seeing none he closed the hearing at 7:19.

Councilwoman Hansen reminded everyone that they had discussed going ahead and applying for the grant but if it was successful – they would have the opportunity to accept or deny the grant. She is concerned about another project so soon after the last project. She then asked City Clerk Stegelmeier to remind them about the judicial confirmation vs. bond election discussion. City Clerk Stegelmeier replied that she had thought that the council had represented to Rick Miller that the city would not be applying for judicial confirmation if they needed to borrow the match money for the project. They would have a bond election instead. Rick said that was his understanding and that in the end the discussion was that in January the council would decide whether or not they would have a bond election the following May.

Councilwoman Hansen made a motion to approve the application for the Idaho Community Block Grant program. Councilman Kaelberer seconded the motion. The motion passed unanimously.

Regular Business:

5. ICDBG Citizen Participation Plan & Certifications – Rick Miller *ACTION ITEM*

Rick Miller explained that these documents are required for the application to the grant. The certification form is a form pledging that the city will follow the requirements of the grant if awarded. The citizen participation plan is a document pledging that the city will follow all the citizen participation requirements of the grant if awarded.

Councilman Kaelberer made a motion to accept the terms of the ICDBG Citizen Participation Plan and Certification. Councilwoman Hansen seconded the motion. The motion passed unanimously.

6. City Park Restroom Bid Discussion – City Clerk Stegelmeier *ACTION ITEM*

City Clerk Stegelmeier explained that the plans were complete and that Councilman Funke was hoping to put them out to bid to get started on getting things ready to go for construction next summer. Councilman Funke said that they would like to start work early in the spring if possible so that they could maybe even be used before the summer was over. There is a set of plans at the City Building and they could be checked out. City Clerk Stegelmeier said the bidders would need to have a public works license to bid on the project.

Councilwoman Hansen made a motion to put the restroom construction at the park out to bid. Councilman Kaelberer seconded the motion. The motion passed unanimously.

7. County Canvass & Abstract of Election –City Clerk Stegelmeier *ACTION ITEM*

City Clerk Stegelmeier explained that Idaho Code requires that the county commissioners do a canvass of the election. The county clerk is then required to send the canvass of the election as well as an abstract of the vote to the city for their consideration. She explained that the election in the City of Ashton is a race horse race and two seats were available. The candidates with the two highest number of votes were John Scafe and John Kaelberer.

Councilman Kaelberer made a motion to approve the abstract of the vote and canvass as presented. Councilwoman Hansen seconded the motion. The motion passed unanimously.

8. Ott's Place Discussion –P&Z Administrator Bowersox & Cory Sorensen *ACTION ITEM*

Mr. Sorenson bought building at 401 Main Street which is the old Ott's Place. The prior owner had a conditional use permit for a motel on the ground floor of the building. Mr. Sorensen would like to use that permit for the same usage. Right now, they are fixing it up and getting ready to start renting it as a nightly

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rental. They think that Ashton has the potential to do well with tourists and are hoping to do a sort of old west feel. John Kaelberer asked when they think they will be able to open. Mr. Sorensen said the work on the inside is almost complete but they want to do some more on the entrance. He brought some pictures of from places like Jackson and Driggs with an old-time saloon entrance. It was discussed that posts down to the sidewalk will not be allowed in Ashton but that if they build to the side of the building like they are talking about, they could do that sort of entrance there. Mr. Sorensen explained that he has served on planning and zoning in the Rexburg area and he feels that Ashton needs to make Main Street more inviting. He talked about Rexburg doing a sort of competition with grants for those businesses who won by making their business look more attractive. He explained that having tables and stuff to bring people in and/or getting someone to stop helps. Mr. Sorensen explained that he has experience with vacation rentals and has been managing property for over 20 years. Councilman Kaelberer explained that the City of Ashton is going to be moving forward with some regulations for nightly rentals. Councilwoman Hansen explained that when she and her husband decided where to live, they did not want to live in a Jackson or Driggs area. They like the small-town areas instead. City Attorney Angell explained that he had looked at the code and the permit for 401 Main Street. The permit was set to expire if usage hadn't started within 24 months. That time period was over in September of 2021. He asked Mr. Sorensen to send a written request for extension by December 1, 2021. Then at the December 8th city council meeting the council can decide whether to extend the permit. He does want Mr. Sorensen to understand that this has been an issue lately in Ashton and is divisive. He went on to tell him to look at Ashton City Code 17.G to find the factors to consider in extending the time period. Mr. Sorensen's brother Eric then asked some questions on snow removal in Ashton. City Clerk Stegelmeier said that the city does get most of the snow off the Main Street sidewalk but there may be some cleanup that is the responsibility of the property owner. The snow from the sidewalk can be placed in the street and the city will haul it away. Snow in the side lot would need to be hauled away by the property owner. Eric asked about the snow from the roof. City Clerk Stegelmeier explained that property owners rent a truck, load the snow and haul it away.

9. P&Z Discussion – P&Z Administrator Bowersox, City Attorney Angell **ACTION ITEM**

P&Z Administrator Bowersox discussed the past few weeks and that the council wants to revisit comprehensive plan and code. She has given them a copy of the comprehensive plan earlier. In the packet there are two documents showing some of the historical information discussed in the past as the P&Z has gone through the comprehensive plan. The comprehensive plan is a document with the hope's dreams and aspirations that the city and citizens have for themselves. Idaho state code requires that every city and county this plan with at least one zone. Then the ordinances that form the development code must support the comprehensive plan. Cities cannot have city code that is contrary to the comprehensive plan. These two things have to be changed hand in glove. The second document explains the process that the commission was hoping to complete, i.e., town halls, surveys, interviews. Then the council can determine and prioritize which step or change going forward. Once they have a concrete proposal there will be public hearings. P&Z Administrator Bowersox relayed that it is important to take the public input. She has put some information in the November newsletter and will work on more for the December newsletter. Councilwoman Hansen expressed her understanding that the business owners that did not know what the comprehensive plan contains. She will ask if they would like to come and discuss with the city at the roundtables and or town halls. She would like each councilman to be assigned to a business to get them to the town halls and/or roundtables. P&Z Administrator Bowersox explained that the holiday season is upon the city so much of this work will be with a new city council into January. She would like the council to start a start personal outreach to gathering information. They should keep a notebook and write the information down.

10. Zion Lutheran Donation – Councilman Kaelberer, City Clerk Stegelmeier **ACTION ITEM**

City Clerk Stegelmeier explained that Councilman Kaelberer as asked her about a donation from the Zion

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Lutheran church which had been received about 3 years ago. Councilman Kaelberer explained that the Church had given the money from their German supper to put up crossing light and project has fallen through the cracks. They would like to use it for another community project. Chief Griffel explained that the project is ongoing and that the city is hoping to do the lights along with all the other signs through the sign grant. It has just taken time through COVID, etc. to get things completed. Councilwoman Hansen asked Councilman Kaelberer if he would speak to the Zion Lutheran congregation and see if they would still want the city to give the money back. Councilman Kaelberer will check with them.

11. Budget Discussion – City Clerk Stegelmeier **ACTION ITEM**

City Clerk Stegelmeier explained that the public works department did not budget for a snow blade for the backhoe but they do have more than what it costs in their budget. She suggested that maybe they would need to do less chip sealing to make up the difference if the council approves the blade. Councilman Kaelberer is of the opinion that the bucket could lift the snow up and over and that with a blade they may run out of room. Councilwoman Hansen thinks that if it is not in the budget that they should not buy. Councilman Funke would like to wait until the council is there to discuss the blade.

City Clerk Stegelmeier explained that earlier in the year, the Association of Idaho Cities and the Idaho Controller had sent out some information for cities on a grant through the ARPA (American Rescue Plan Act). She went ahead and sent in the required documents and the City received \$112,000. It has to be used for a water, sewer or broadband project. Councilman Kaelberer had come in to ask her some questions about the grant and he has some concerns about some of the requirements of the grant. The grant reads that the City will follow several regulations and other things that may be problematic. City Attorney Angell agreed and said he would do some research. Councilman Kaelberer will also look into the grant. City Clerk Stegelmeier and those going to the AIC Fall Academy will ask for some more information at that meeting.

12. Scheduling – City Clerk Stegelmeier **ACTION ITEM**

13. ADJOURNMENT

Councilman Kaelberer made a motion to adjourn. Councilman Hansen seconded the motion. The motion passed unanimously.

The meeting ended at 7:41 pm.

NEXT MEETING

- ◆ City Council 7:00 p.m. – Wednesday, December 8, 2021 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ Questions concerning items appearing on these Agendas or requests for accommodation of special needs to participate in the meetings should be addressed to the Office of the City Clerk or call 208-652-3987.

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

Cathy Stegelmeier
City Clerk

Teresa Hansen
Council President