

MINUTES–CITY OF ASHTON

REGULAR COUNCIL MEETING

Wednesday, February 9, 2022

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

PRAYER OFFERED BY: John Scafe

CALL TO ORDER & WELCOME

PLEDGE LED BY: Jerry Funke

In Attendance: Tom Mattingly, Teresa Hansen, John Scafe, Jerry Funke and John Kaelberer. Tadd Atchley was not in attendance.

Also, in attendance: City Clerk Stegelmeier, Chief Griffel, City Attorney Angell, P&Z Administrator Bowersox, Todd Martindale, Brett Griffel, Andrew Rogers, Kathy Scafe, Dallas Hill, Todd Martindale, Steve Rees, Nathan Marvilla, Barry Bame, Brad Pickering, Teddy Stronks, Rachel Hatton, Jaymie Stronks, Kurt Cordingly, Cordingly, Bill Bowersox, Sandy Bowersox, Jason Mitzger, Wade Allen, Rick Miller, Darrell Reinke, Noranne Baler, Leon Baler, Brett Griffel, Tom Howell, John Toenjes, Sheryl Hill, Sara Reinke, and Byron Stutzman.

Mayor Mattingly welcomed everyone and opened the meeting at 7:00 pm

1. **AMEND AGENDA: ACTION ITEM**

Any items added less than forty-eight (48) hours prior to the meeting are added by Council motion at this time.

5. Audit Report – City Clerk Stegelmeier, Sheri Poulson, Nathan Maravilla

Councilwoman Hansen made a motion to approve the addition of the Audit Report to the agenda. Councilman Funke seconded the motion. The motion passed unanimously.

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 Meeting Minutes 1-12-2022
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

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

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

Block 30 & 31 – P&Z Administrator Bowersox, Ashton Good to Go representative

ACTION ITEM

Mayor Mattingly turned the meeting over to City Attorney Angell who then opened the public hearing at 7:02 pm. City Attorney Angell then asked City Clerk Stegelmeier if proper notice was given. City Clerk Stegelmeier replied that the property was posted and a copy of the proof of publication was provided to the council in the meeting packet. City Attorney Angel then asked the Council and Mayor by roll call if any had a conflict of interest in the matter. The rest replied that they did not have a conflict of interest. Councilman Kaelberer has commented on Facebook mostly on procedures but has no conflict of interest.

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City Attorney Angell then asked P&Z Administrator Bowersox to give her report on the proposed development. P&Z Administrator Bowersox reported that by code a Class II permit is required when explained that the city received an application a class II permit from Brad Hall and Associates who is the owner. They are requesting to build a Good 2 Go store with two fuel canopies, truck parking and an RV dump. The store will include a branded food tenant and both the store and the food tenant will have drive thru windows. When an application is received, the first step is the sketch plan review which was conducted at the January meeting. Following that review, the applicant then provides the application and a public hearing placed on the agenda and that is what the applicant is here for tonight. P&Z Administrator Bowersox then explained that an approval at this meeting will mean that a high-level concept plan is approved. A development agreement is then negotiated and then managed by staff. A detailed site plan, guarantees and drawings will be required as part of the negotiation and agreement. An approval at this meeting is not a rubber stamp – the applicant cannot just do what they want. In the Community Core Zoning District in which the property is located, usage of this type is appropriate per the City Code. The City Code also requires certain improvements by the developer such as the installation of water, sewer, etc. This process will be managed by the development agreement. Other items from the sketch plan review will also be managed by the agreement including such things as the transfer of the abandoned Maple Street near the park pavilion, etc. The property is zoned commercial and there are commercial usages surrounding it. The usage is appropriate and will be managed by the development agreement. She then asked if the council had any questions. There were no questions at this time.

City Attorney Angell thanked Administrator Bowersox and then asked the applicant's representative, Barry Bame, to give a presentation of the application.

Barry Bame, of Connect Engineering, 2295 Yellowstone Hwy, Idaho Falls is here to represent the developer/owner. Mr. Bame explained that they are looking to be approved with a concept plan of what development they would like to build. They have been working with City staff and will continue working with City staff to iron out all that is required as they progress to a full site plan with development agreement. They have reached out to ITD will continue to work with ITD on what is needed for ITD standards on Hwy 20 and Maple. The Company plans to fully comply with what is required through ITD. That will be worked out with ongoing meetings and inside the development agreement. Mr. Bame said they are wanting to build a gas station with a convenience store. There will be private passenger pumps on the south side and some diesel and truck pumps on the north side. They plan to have an RV dump are still working out the details on that with the City. Following the completion of the site design, City water, sewer and storm water will go through technical review. Marvin Keller at Keller Associates will be going over those plans to make sure they meet the requirements of the City. There is still a lot of review and discussions that will have to be completed. The company at this time is looking for approval of the concept of what they would like to build. In the site plan review, there was discussion on snow storage, signage, sidewalk. The developer/owner are more than willing to work with the City in discussing those items. Mr. Bame said that he knows one big concern for the City and citizens is Maple Street and the City Park on the north. They will work with the City to make it so the truck traffic will not impede events or citizens. The City engineer seems to be leaning toward signage in order to make sure that there would be room for fire truck turning, etc. on the end of that street. Mr. Bame said the developer/owner is happy to comply with what the final outcome is – they just want to make sure they do it the right way. He explained that is all he had for his presentation and asked if there were any questions. Councilman Kaelberer said that in the packet the council had received a different site plan where the convenience store is facing Main Street/Hwy 47 instead of Hwy 20. Mr. Bame explained that the new site plan is the newest concept plan that he has done for the developer/owner. That is their current plan but he is not sure if that is going to be their final decision. It is the way that they have asked Connect Engineering to move forward with as of now. Some concerns that Councilman Kaelberer has is the

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lighting. He is wondering if the developer/owner could use lighting that was ground focused so that there wouldn't be a lot of change in light in the neighborhood around the park. It is Councilman Kaelberer's opinion that Maple Street be blocked off at the intersection of Maple and 1st as he does not want the possibility of truck traffic going past the park. Signage may stop it but he doesn't want truck traffic in the neighborhoods. Councilwoman Hansen was confused by the three concept plans in the packet. Mr. Bame explained that they each show a different truck pattern that had been discussed with the City engineer. The building and the pump canopies are the same in each plan. Councilwoman Hansen said that a long time ago, there had been plans to enter the property off of 2nd Street instead of right off of Hwy 47/Main Street. On this plan it just shows an entrance to the west of the Family Dollar Store entrance instead. Mr. Bame explained that he is unsure he is following her but that on the current plan there are two ways to enter the property. One off of Hwy 47/Main Street abutting the Family Dollar Store entrance and one off of Maple Street which joins Hwy 20. The plan is to make the north entrance of the property more attractive for the trucks but there will be the two ways for vehicles to enter the property according to the concept plan. Mayor Mattingly asked if the 40-foot entrance on Hwy 47/Main Street could be wider toward the west. Mr. Bame said that is a question that ITD and the owners would need to work through. Councilman Scafe asked if the business was going to be a 24 hour a day, 7 days a week business. Mr. Bame replied that he believes it will. Councilman Scafe asked if the scale was correct on the drawing. Mr. Bame said that the sizing had changed so the 1 inch equaling 60 feet scale does will not work. The drawing does look to scale because the original is to scale and then everything shrunk to the size that the Council has in the packet. Councilman Scafe is not sure that the trucks will have enough room to pull around and turn. They discussed the parking stalls, turning radiuses and pumps. Mr. Bame explained that the site is large and that there is enough room as evidenced by the truck radius drawings that he did for the City engineer. Councilman Scafe said he is also worried about the stop light and how that will affect entering/exiting the property. If the traffic is backed up it may be hard to enter or exit the property. Mr. Bame explained that from the developer/owner's point of view, this location, being at the intersection of two state highways is a good location. Councilman Kaelberer recommended some sort of barrier for sound at the north west corner of the property where trucks may be parked for a longer period of time. Councilman Kaelberer went on to say that as he has looked at the project, he has noted that it is not a gigantic truck stop, for example, it is not a Love's Truck Stop. There are only 7 places for trucks to stop to sleep, etc. It is more a place for truckers to stop out of necessity. Mr. Bame said that is a good point. It is not made to be a destination truck stop, there are no showers or other amenities that are available at those facilities. Councilman Funke's concern is on the north on Maple Street and Hwy 20. He feels that traffic coming from the north turning onto Maple Street may be a safety issue. Mr. Bame agrees that there will need to be improvements at Maple Street and that has been something that they have been discussing with staff as well as the city engineer. The upgrades on the street will need to be included as part of the development agreement. Mr. Bame understands that the staff and the city engineer will need to approve the plans prior to any work or progress on the development. Councilman Kaelberer asked if Mr. Bame could bring a photo or other way of showing what the building and the grounds are going to look like. It is at the entrance to Ashton and he would like to see what they are planning. Mr. Bame said he would bring some the next time he meets with the City Council. He went on to say that the developers/owners of Good2Go will want it to look appealing so they plan to do landscaping. The city staff has talked to them about some sort of 'Welcome to Ashton' signage and they are willing to work with the City on that subject. Councilwoman Hansen is worried about the safety. Her main worry is that the stopping and turning out – safety in general. She said that 45 miles an hour is still a problem. She then complimented Mr. Bame on his professionalism. Councilman Kaelberer wondered if there were some studies about traffic in the area that may be of use in their planning. Discussion went on to what kind of trucks would stop there, etc. City Attorney Angell interrupted asking the Council to stick to questions at this time. Their deliberation comes later in the hearing and that would be the time to discuss the project as a whole. He then asked if there were any more questions. She asked how many of these stores the developer/owner owns. Mr. Bame does not know, he is just representing the developer/owner at this

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meeting. The office of the developer/owner, Brad Hall, is in Idaho Falls. They are local but have several stores. There were no more questions.

City Attorney Angell explained that he would like to take some time to explain, it didn't occur to City Attorney Angell until Mr. Bame spoke in terms of the Brad Hall company. City Attorney Angell has represented Brad Hall & Associates a few times in the past. He does not currently have a case where he represents them and certainly the type of work he has done for them would not result in any sort of a conflict in him handling this as the City Attorney for the City or handling this hearing as the hearing officer today.

City Attorney Angell asked Administrator Bowersox a chance to respond to any of the comments that Mr. Bame made. Administrator Bowersox wanted to touch on a couple of things that were mentioned again in the presentation/questions. When it comes with the development agreement and how this project or any other Class II development moves forward in the future, the city council acting as the planning & zoning commission would have to approve the final plans. It is unlike a Class I permit such as a fence or an addition to a home, something of this magnitude does need to get approved by the governing body. Also – because of the discussion on the entrance at Hwy 20 and Maple Street – through the conversations that she has had with ITD as well as the developer/owner has had with ITD – they have a link to the standards that will be applied to those that entrance as well as the one on Hwy 47/Main Street. The City and the developer/owner will adhere to those standards as well as the standards that will be applied by other agencies such as the DEQ. If the City moves forward on with this on the high-level concept that they are reviewing today – there will be checkpoints, there will be reviews. The City will manage this at the detail level going forward.

City Attorney Angell explained that the City will now move forward to the public comment portion of the public. The public comments will be limited to 3 minutes. He asked that the comments address the application tonight measured by its compliance or lack of compliance to the Ashton City Code and Comprehensive Plan. Please state your full name and your address. While we do limit your time to speak, if you feel you have more to say this evening, you are welcome to submit a written statement to the Council if you would like and send it into the City. There will be one exception possible tonight to the time limit and that is if the ITD would like to take more time he will allow them to speak longer than the 3 minutes. City Clerk Stegelmeier got the list for City Attorney Angell. He then said he would start with comments in favor of the permit application.

Tom Howell, 4275 E. 1400 N., Ashton, Idaho. Mr. Howell stated that he is in favor of get the project ironed out and pushed through. However, he does agree with Councilwoman Hansen that what ITD is doing on HWY 20 has left everyone up the air as to what is going to be safe and sane. Trying to get in and off that road. Anyway, he would like to see it get pushed forward and iron out the bugs.

City Attorney Angell explained that Mr. Howell was the only one on the list and asked if there was anyone else in the audience who would like to speak in favor of the permit application.

Trent Beek, he is the general manager at the Golden Spike Power Sports that is just across HWY 20 from the property in question. He is in favor of having that property done. He thinks that the City is doing a good job to make sure it is done right. He thinks it will be good to bring tax revenue to the City and the main thing that needs to be addressed is safety. He is in favor of the permit application just as long as that scary intersection can be made safe.

Kurt Eidam, 524 N. Yellowstone Hwy, Ashton, Idaho. He is not in favor or against. He was not sure where to sign up. As many of the council will recall, in 1998 & 1999 there was a big gas leak that was discovered

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form an old gas station on Hwy 20. That property is still empty. He knows that technology has improved a lot since those leaking tanks were installed 50 to 70 years ago when the Lords' gas station was there on that property. My family was directly affected by the leak. He still is not sure how many years his family was drinking 'enhanced' water. There is still some fuel that is being cleaned up from that leak. Although technology has improved a lot – that area just has a lava bed and if you have any type of leak, it just washes down that lava flow. He wants to make sure that current technology and safety measures will be used in order to eliminate any future problems with fuel leaks.

Brad Pickering, 2271 Lincoln Road, Idaho Falls. He owns the towing company across Maple Street to the north of the property in question. He has cleaned things up quite a bit at that property. He has a little concern on coming on to Maple Street. When the trucks are running and coming in at 15 mph there really is no problem for stopping. He has had three service stations move in close to some of his towing company locations. The government has regulations and the owners have to stay on top of them to be able to stay open. As far as Brad Hall goes, they build quality stations and they also have a refinery. Ashton already has a truck stop. There are just a few trucks that stay there. He goes by there all the time – he has been in the towing business since he was 16 years old. He has also driven grain trains and other trucks. Mr. Pickering thinks that what they have on that property is enough to turn trucks on and that it will work out really nice. He remembers that the Conrad Bishoff company was going to build there before their personal tragedy changed things for them. He likes Ashton and loves small communities. Anytime you have something like this, that is owned in the state of Idaho, they will have an interest in the community. He talked about a wall with concrete and insulation that may help with the noise concerns. There really is only one home close to the property and they will have concerns. Progress is something you have to go with – he is concerned about other people's feelings but he thinks that it will be a good situation. His own property will be the most affected with that turn out right there but he knows the City will do the best they can to make it best for everyone.

City Attorney Angell asked if there were any more comments in favor of the application. Hearing none he moved to the comments against.

Teddy Stronks explained that he is here to represent Andy Lambert who owns the property at 23 Maple. Mr. Lamberson writes that he and a partner (Steve Hullett) own the property directly across from the proposed Good2Go project. He asked former Mayor Teddy Stronks to read his statement on his behalf since he could not attend the meeting. He explained that Teddy's opinions may differ from his but that Teddy was kind enough to be his voice in his absence. The purpose of his statement is to formally object to the Good2Go project. Since acquiring the property in 2016 we have made a significant investment that has greatly increased the value of the property. The proposed Good2Go project, if allowed to go forward, will cause property values to severely drop. Not only for our property but for the surrounding community. My full-time residency is in Indianapolis, Indiana with a population of 1 million. It is known as the 'crossroads of America' because of Interstate (Hwy) 70 smack dab in the center going west to St. Louis (Missouri) and east to Columbus, Ohio and Interstate (Hwy) 65 going north to Chicago (Illinois) and south to Nashville, Tennessee. At age 62 I have witnessed my share of truck stop development. Yes, they are important and yes, they deliver much needed commerce. The Good2Go project is no different and I appreciate the merits of the proposal. But the large scale, full service stops such as what is being discussed tonight don't belong in a small community especially such a wonderful and clean place like Ashton where the town already has similar businesses and gas stations. The proposed location would be sandwiched between the City Park and an Elementary School. There are better, safer and more suitable locations. The fact that truck drivers will be parking and sleeping and moving through the area located right next to the City Park and directly across from the Elementary School is unwise and reckless. For a variety of safety concerns Mr. Lamberson can't imagine any parent being comfortable with this. The piercing noise of jake brakes, the loud noise of

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overnight generators and a potential fuel breach in the soil which would make way into the water shed and the drinking supply not to mention the world class fishery is unthinkable. At night the place will be lit up like a high school football game and the sound of brakes and parking lot conversation and arguments will be a daily topic amongst the Ashton citizens. Perhaps the greatest concern to him are the underground storage tanks. Mr. Lamberson's wife worked twenty years in the Environmental Protection Agency and oversaw the Indiana Department of Environmental Management Land and Air Quality. She can attest to the mass destruction and cleanup that can be involved with a misplaced gas station or fueling operation where you have a leak in gigantic underground storage tanks that hold thousands of gallons of petroleum. Despite what assurances you receive, all storage tanks will leak at some point. Maybe not tomorrow or next week, but they will at some point in the future. Nationally and throughout the years, there are plenty of documented examples in law suits to support this point. Regarding our specific property, Mr. Lamberson has read the City's ordinances and sees two major issues aside from the practical question of how trucks will navigate the rough turn at Maple Street coming of Hwy 20. City Attorney Angell interrupted Mayor Stronks and explained that he had reached the three-minute limit for testimony. City Attorney Angell asked Mr. Stronks to skip to the end and read the conclusion. He also assured Mr. Stronks that the entirety of the comments would be included in the record of the meeting. Mr. Stronks read the conclusion - Here is what is at stake: glaring lights 24-7, nonstop noise, one potential horrific accident and one potential ruined fishery. Please think on this one long and hard. For my statement on the record I (Mr. Lamberson) ask the Council to please deny the proposal requested as it is submitted. City Attorney Angell again reassured Mr. Stronks that the Council will accept the written statement in the record. The entire statement will be part of the record of the hearing.

Rachel Hatton, 969 Cherry, Ashton. I was not planning on doing this until an hour ago when she realized after looking through things that she better say something. On the Chamber (of Commerce) website it says there is so much to see and do in Ashton, Idaho that the biggest decision is 'where will we begin'. According to the City ordinances, which it is your job to follow, in chapter 10 it talks about loaded trucks on City streets are prohibited. That there are no loaded trucks to be driven or operated upon the streets of the City except on those streets that are designated as truck routes. And Maple Street is not designated a truck route. That is number one that she would like them to look over. Also, in Ordinance 17 it reads general standards for conditional uses, which is what we are discussing at this moment. In letter H it says it will not require excessive additional requirement of public costs or public facilities and services and will not be detrimental to the economic welfare of our community. She is just concerned about the City's public facilities and services with our sewer and our water and our streets – she means Maple Street is a city street. This is all quite concerning to her. Also, for our new other public facility such as our tennis/pickle ball court and our City pool and park which you all know, here on this bench here, how hard she has worked to keep those things going and raising money for them. She would hate to see this letter H be broken. And letter I says it will not allow uses, etc. that will be detrimental to property or general welfare by the production of excessive traffic, noise, smoke, fumes, glare, etc. She is sure a truck stop would have excessive production of noise and where that had residential so close there – it is a concern. Ms. Hatton is very pro-business and she is happy to see someone invest in that property but at the same time she would like to see something different than another gas station or burger joint. She feels Ashton has plenty of those.

Jaymie Stronks, 233 Maple Street, Ashton. There are a few things that Ms. Stronks heard that are of concern to her. Her biggest concern is the safety of our children. There is the school right there, it has always made her nervous that it is right by the highway but just adding that much more traffic there is scary. And with the pool right there – that is where the children spend their summers – is right there. Also, the park and with that entrance onto Maple Street and if 1st Street is not blocked off then people will find different ways to quickly get into that gas station. If there is any traffic or trucks in the way, they are going to use 1st Street. There is really no signage there or speed bumps now to make it so people slow down.

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That is her main concern. She is also concerned about her property value. Smells, sounds, lights. She is totally for growth. She thinks that we need to prepare for that as a City – it is coming. But as property owners close by the project, it is a concern.

City Attorney Angell asked if there was anyone else who would like to speak against the proposal. He did note that the Council had received a written statement from Sara and Darrell Reinke dated February 2, 2022 and it is included as part of the record. City Attorney Angel thanked everyone for their comments and then moved to the neutral comments.

Andrew Rogers, 87 Spruce Street, Ashton. Andrew is here as the North Fremont Fire District Chief. They are neutral, their concern is just the safety of everything. My concern is fire suppression. There needs to be a way in and a way out. The intersections scare him because of the number of wrecks they have seen already. He just wants to see everything done as safe as we can and keep everyone alive.

Sheryl Hill, 308 Highland, Ashton. She is giving neutral testimony, which means she is neither in favor of or in opposition to the proposed project at this time. It is not possible to evaluate this project because the developer's application is incomplete and the City has not conducted the studies required under title 17 of the City of Ashton Code. The following are only four aspects of the permit application that still must be addressed. This list is not complete by any means, but it is what time allows be mentioned here. First of all, the Idaho Transportation Department has not completed its review of the proposed development. So, we don't know yet whether the developer can meet the requirements established by ITD. Second, ITD is reconstructing the US 20 - State HWY 47 intersection and installing a stop light to reduce serious collisions. A traffic flow and safety analysis found that the accident rate is higher than average compared to similar intersections in Idaho and that a forty to one return on investment will result by reducing crashes especially severe injuries and fatalities. Bidding on the project is expected to begin in calendar year 2022 or 2023 and construction in 2023. If the developer can meet ITD's requirements, will another traffic flow and safety analysis be required to determine whether the proposed redesign of the intersection will be sufficient to achieve the reduced accident rates that were predicted for the current design. Third, the proposal is for a large-scale commercial development which is defined in section 17.36.030 of the development code. Ms. Hill then quoted "any commercial building or any outdoor display or sales area or any combination of the two that occupy more than 8000 square feet". Another section of the development code states that "the application shall be considered complete and a hearing scheduled only after the completion of the large-scale development study". According to code, a large-scale development study should have been initiated at the January meeting when the sketch plan review occurred but it has not been initiated. The second of code pertaining to performance standards for large scale development is quite extensive, it is two pages here. The fourth item is the proposed development will include (City Attorney Angell told Ms. Hill that her time is up but that he had let some other go longer – she replied that she was almost finished) the redesign and reconstruction of Maple Street and the closure of 1st Street. These proposed changes are addressed under chapters 17.56.020 – Design and Construction of Streets, Large Scale Development. This information must also be included in the large-scale development study. Again, this part of the code is more than two pages with illustrations of all the items that must be addressed for large scale development which has not begun. Ms. Hill thinks that we have gotten a little bit ahead of where we need to be in these discussions. The application needs to be complete first.

Wade Allen, works for ITD out of Rigby office. He will speak about Maple Street first. There will be a center turn lane to turn left onto Maple Street. The other thing that ITD would require is a deceleration right turn on the Hwy 20 and he believes that they have already stated that they would build that lane. The approach onto Hwy 47 would need to be permitted. There is not a current permit for that approach. The ITD has had some discussions with them in the past and 40 feet and the location where it is on the map is the location

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they have discussed. The first thing that ITD would require, because of the proximity to the new signal, would be that that would be a right turn in and right turn out only approach. City Attorney Angell asked for a clarification asking if that is on the Main Street approach. Mr. Allen said yes. City Attorney Angell said, "right turn in right turn out only". Mr. Allen said, "right". He then said, "That is our only opinions." City Attorney Angell then asked if Mr. Allen would be willing to answer a few questions from the City Council. Mr. Allen said, "Yes, sir.". Councilman Kaelberer asked if they could talk about lowering the speed limit again, to 35 mph, it is 35 at schools. Councilman Kaelberer thinks that a lower speed limit would mitigate a lot of the problems and concerns that people have. It is something the City has been asking about for a long time. He thinks lowering the speed limit is something the ITD needs to listen to. City Attorney Angell asked the Council to stick to the development at this location. Councilman Kaelberer thinks that the speed limit is a part of the discussion for this development. Councilman Funke expressed concern that 40 feet is not wide enough to turn in. Mr. Allen said that is their maximum size approach. Councilman Scafe asked for clarification off of Main Street/Hwy 47 – if a vehicle was coming off of Hwy 20 – they could not turn in there. Mr. Allen said that is correct. There would be barrier down the center of Main Street/Hwy 47. Councilman Scafe said then that the only way to turn in there is if you were going west on Main Street/Hwy 47 and to turn out vehicles would have to turn west towards Hwy 20. Mr. Allen said that is correct. Councilman Scafe then said that vehicles could not get in there coming off of Hwy 20 at all. Mr. Allen said they would have to go into town and turn around and come back or use Maple Street. Councilman Scafe asked if that was a requirement they will be requiring. Mr. Allen said yes.

Johnny Moser, 384 N. 2nd Street, Ashton. Mr. Moser asked the Council what is going to stop those trucks driving up 2nd Street. That's what he wants to know. If they have to miss that turn – they've got trucks coming up that street now.

City Attorney Angel thanked everyone for their comments and closed the public comment portion of the hearing at 8:05 pm.

City Attorney Angel then asked Mr. Bame for his rebuttal. Mr. Bame clarified that he is not here seeking a conditional use permit. This is just a Class II permit in an area where the use is allowed. This fully complies with what the property is zoned for. It is also not considered a large-scale development. This is not a large truck stop – not like a Love's Truck Stop – it is planned to be a gas station. As far as the pool and the park near the site. The developer is really trying to help with that as well. It has been discussed that part of the parking lot for the pool that this developer owns and is willing to work through to give back to the City. In honesty the developer could say that is mine – change your parking. That is not what they want or what they are about. They are wanting to help with the pool and park. They are discussing putting in a sidewalk to help people from the park safely get to the convenience store. These are negotiations and talking points that they will be working through with the City. My no means are they here trying to put a huge Love's (truck stop) in here and make it cumbersome or horrible for the City of Ashton. As far as traffic goes, there will be more traffic and noise. This property is zoned and planned commercial. The development that they are seeking goes right along with comp plan and zone. Some people will be affected by it but that is part of the City of Ashton growing. That is part of this being zoned a commercial zone. With the concern at the school, he has four kids and he appreciates the concern for schools and kids. Mr. Bame thinks that the stop light will help with slowing of traffic. The fact that it is an Elementary School probably helps because there will not be high school kids trying to cross the road to get to the convenience store. There is now trucks and traffic but with the right in and right out (he did not know about that) but that will help because it won't make sense for trucks to come in that way. It will help the safety and traffic at the school. Mr. Bame has met with the City engineer and talked about the water, sewer and road improvements. They will loop the water connection from behind Family Dollar to Maple Street. There will be fire hydrants in there and it will help the water line. There has not been a concern about sewer usage as they have worked with the City

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engineer. As far as the building goes, the building plan will be submitted and the building inspector will go through it for approval. It will not be approved unless it complies with all the building codes. Going back to 1st Street, they are committed to making it as safe as possible. Whether that means barricading or not – they are just trying not to fix a problem and cause another problem. We want to make sure it works with truck turning radiuses for fire and ambulances, etc. They do want to make it as safe as possible.

P&Z Administrator Bowersox explained that she will be repeating a couple of things from Mr. Bame's rebuttal. First off, this is a Class II permit for an acceptable use in the applicable zone, not a conditional use permit. The conditional use portion of the code is not applicable to this discussion. As staff investigated the project going forward to this point, this particular project does not meet the requirement of doing a large-scale development study. That large scale development code is actually been very helpful to Administrator Bowersox in thinking in terms of the kinds of things that we do need to answer and work through. We just don't need to take that formal approach on this particular development. We are working through all the things we need to address – the public facilities of all sorts, the safety is a very big concern in all aspects, at all intersections. The big concern with Maple and 1st Street. The City has some very good ideas for what to do at that intersection to make sure to minimize interactions between cars/trucks/pedestrians is safe. Again, tonight's public hearing is not a rubber stamp or giving them approval to do anything they want to do from this point. There are process we will follow and code that they will adhere to and there will be checkpoints for which they will get approvals as we go along. Administrator Bowersox explained that before they are ready for construction on something they will need permits whether it be from Ashton's building inspector, the ITD and other entities such as the Idaho Department of Environmental Quality. We are all on top of safety concerns from both traffic and pedestrian perspective. All of that said from a code perspective and a planning and zoning perspective, she does recommend approval of this permit. Again, there will be development agreement in place that covers all of the details. That development plan and plan will come back in front of the City Council. The Council will see progress and checkpoints and that sort of reports throughout the process. As P&Z Administrator she does recommend approval of this permit at this high-level concept plan for this development.

City Attorney Angell closed the public hearing at 8:19 pm and opened up discussion on the permit by the City Council. He did remind them that they have 60 days to make their decision if needed. The decision will be made in writing as per Idaho code.

Mayor Mattingly asked if someone would like to make a motion. Councilman Funke thinks that they need to gather more information on this project. There are a lot of safety issues that have come up this evening. Maybe they should have a special meeting to go over it. He is quite concerned with the safety on the highways. City Attorney Angell asked if he could speak to that point a bit. He reminded the Council that under while the City Council is seated in a quasi-judicial role, they need to look at the facts and apply those facts to the law similar to how a judge in court does. The facts have been presented at this hearing and he would caution the City Council in hesitating or tabling something in order to look for generic request for additional information. If Councilman Funke would like to table it then he would need to list the specific reasoning behind wanting to table it and the specific information he would need in order to move ahead. City Attorney Angell does not want to run the risk of tabling something just to stall something. Councilman Kaelberer explained that his understanding is that if the Council goes ahead and passes it tonight – there is still a lot of decisions that will be made as the process goes along. This is not a final or end where they have no more input. This is just to get the process going. Councilwoman Hansen said that that is what Administrator Bowersox just said. She went on to say that the Council was given the facts and this moves the process to the next point. Councilman Scafe asked for clarification from City Attorney Angell what approving the permit at this point allows the engineers and staff to complete. City Attorney Angell replied that once the Class II permit is approved, then the developer has to enter into a development agreement

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with the City spelling out the requirements the developer will have meet to begin the project. That agreement will have to come back to the City Council for approval before the developer can start the project. The permit is the first step in the process allowing them to proceed with their project. Councilman Scafe asked that if later on there was something that was not right, would the Council be able to deny it. City Attorney Angell said they would be able to deny it later in the process. Councilwoman Hansen said anyone who comes into the City and buys a piece of property has to adhere to our laws. We cannot decide what to put there but they have to follow our code. Councilman Kaelberer agrees that it is a matter of code and law and property rights.

Councilman Kaelberer made a motion to grant a Class II permit to move forward on this project. Councilwoman Hansen seconded the motion. Mayor Mattingly called for a roll call vote: Councilman Kaelberer, yes; Councilwoman Hansen, yes; Councilman Scafe, no; Councilman Funke, no. The result was a tie. By Idaho Code, the Mayor votes to break a tie vote. Mayor Mattingly explained that he has been doing some research and has been made aware of a Boise County case in which the applicant had followed the code and was denied the permit. The county was then sued and that case ended in Boise County having to pay a hefty fine. Mayor Mattingly voted yes. The motion carries.

4. ORDINANCES/RESOLUTIONS:

A. City of Ashton Resolution 22-02 – Fair Housing Resolution – City Clerk Stegelmeier, Rick Miller *ACTION ITEM*

Rick Miller explained that the Idaho Department of Commerce likes to have an updated Fair Housing Resolution when applying for grants. This will go in with the addendum.

Councilman Scafe made a motion to approve City of Ashton Resolution 22-02 as presented. Councilman Kaelberer seconded the motion. The motion passed unanimously

Regular Business:

Each speaker will be allowed a maximum of 5 minutes unless repeat testimony is requested by the Mayor/Council.

5. Audit Report & Contract– City Clerk Stegelmeier, Sheri Poulson, Nathan Maravilla *ACTION ITEM*

Nathan Maravilla of Jensen, Poulsen and Company is here to report on the completed audit for fiscal year 2021. They have given the City an unmodified decision meaning a clean decision. That doesn't mean everything was perfect. There will need to be some adjusting entries made by City Clerk Stegelmeier. There was an overall increase in net assets in fiscal year 2021. There was a decrease in net assets in the business type (water, sewer, garbage) funds. This was due to the cost of the wastewater project. Since the project is complete the full value needs to be depreciated. In 2020 the depreciation was \$72,000 and in 2021 the depreciation was \$247,000. Overall, the cash balances had a 6% decrease. The general fund gets 60% of its revenue from property tax and 29% from state sources like revenue sharing. There was quite an increase in spending but it was mostly due to the new police vehicle being delivered late as well as the hiring of a new officer. The parks fund did not lose as much as originally thought as there is a grant source that came in following the end of the year so it was included as a receivable. This is the grant for the tennis court. The general fund did have to transfer some money to the park fund. The general fund cash balance has been decreasing. Nathan recommends that the City watch this fund carefully so that the City has enough funds for emergencies. The park fund did have an increase in revenue this year over last but that may just be due to the close down from COVID 19. The street fund is doing okay and had an increase in fund balance. The visitor center fund had a net income of \$6000 although its fund balance is in a negative position. The proprietary funds (business type) funds did alright but they did see a decrease because of that depreciation Nathan spoke about earlier. He feels that with the rate changes, both the water and sewer funds should do well in 2022. In general day to day work they found that the City improved and are doing well on keeping up with

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purchase orders. There have been some entries that need to be fixed as City Clerk Stegelmeier has moved funds from saving and then back to savings. She has spoken to Caselle and has a process to correct it for the future. Councilman Funke asked about the problem with segregation of duties. Nathan said that is a problem that is noted each year – not just for Ashton but for many of the small cities in which they do audits. It is just that the City is too small to have the staff to separate the duties. Nathan explained that both Deputy Clerk Warnke and City Clerk Stegelmeier are doing the work well. He thanked them for their help in completing the audit. He then asked if the City would sign the contract for next year's audit services.

Councilwoman Hansen made a motion to approve the contract with Jensen & Poulsen for the fiscal year 2022 audit as presented. Councilman Kaelberer seconded the motion. The motion passed unanimously.

5. Wastewater Discussion – City Clerk Stegelmeier, Rick Miller *ACTION ITEM*

Rick Miller from the Development Company is here to speak to the council about the CDBG funding for the Wastewater Facility. The City has been asked to do submit an addendum. There will be 17 projects submitting an addendum so we don't know for sure if it will get funded. A bond election was discussed. The council asked that City Clerk Stegelmeier put together some information on the City savings and bring it back to the next meeting.

7. Main Street Plan & Code Update – P&Z Administrator Bowersox *ACTION ITEM*

P&Z Administrator Bowersox is here to report on the P&Z activities. She explained that the Loosli project is still on hold as they have still not submitted a Class II application. Administrator Bowersox then explained that there will be some discussion and there will be a sketch plan discussion with Wade Rumsey who is the owner of the former Kent Fisher property at the March meeting. That development will be a large-scale development and will come to a public hearing. She went on to discuss the possible comprehensive plan and code update. The town hall went well with good attendance and discussion. There were ideas there anywhere from leaving the code as it is to ditching it and going to residential usage. Administrator Bowersox feels there is room for a happy medium. Next week she will be having the round table meeting via zoom. There have been invitation letters sent with an old survey to get the participants thinking about the alternatives. She asked which two council members would be joining the meeting. Councilwoman Hansen and Councilman Kaelberer said they could attend. Administrator Bowersox will get the information for the meeting to them.

8. American Dog Derby – John Scafe *ACTION ITEM*

Councilman Scafe is also the chairman of the American Dog Derby Committee. He explained that the committee has moved out of town because of lack of snow. They have set up a shuttle system that will have shuttles at 7:45, 8:15 and 9:00 am leaving the high school parking lot. Yellow Sally Shuttles is working with the committee and they think it will work well. There are 12 dog teams signed up as of now. There is little to no parking up at Bear Gulch so he is asking everyone to utilize the shuttle service.

9. Crosswalk Lights – Police Chief Griffel, City Clerk Stegelmeier *ACTION ITEM*

Chief Griffel is here to talk about the pedestrian activated crosswalk lights for 9th Street. He has coordinated with the ITD and has gotten a bid for \$ 11,300 for 2 sets of lights. Right now, with donations from the Zion Lutheran Church and private donations, there is \$ 6,400 to spend. He has spoken to Superintendent Stutzman who has committed to pay for half of the \$ 4,900 left owing (that will make it \$2,450 each) to get both sets of lights. City Clerk Stegelmeier will get an invoice to the school district for their portion.

Councilman Funke made a motion to approve purchase of two sets of crosswalk lights. Councilman Kaelberer seconded the motion. The motion passed unanimously.

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10. Scheduling – City Clerk Stegelmeier *ACTION ITEM*

City Clerk Stegelmeier went over the upcoming schedule with the City Council.

11. ADJOURNMENT *ACTION ITEM*

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

The meeting ended at 9:20 pm.

NEXT MEETING

- ◆ City Council 7:00 p.m. – Wednesday, March 9, 2022 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

Tom Mattingly

Mayor