

MINUTES–CITY OF ASHTON

REGULAR CITY COUNCIL MEETING

Wednesday, April 11, 2018

7:00 p.m.

714 Main (North Entrance)

*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.*

CALL TO ORDER & WELCOME

PRAYER OFFERED BY: Tom Mattingly
PLEDGE LED BY: Jerry Funke

In Attendance: Teddy Stronks, Teresa Hansen, Tadd Atchley and Tom Mattingly.

Also in attendance: City Clerk Stegelmeier, City Attorney Angell, P&Z Admin Kyle Baldwin, Jared Morrison, Dallin Morrison, Marvin Fielding, Cindee Smith, Nathan Smith, Ron Palmer, Jobie Palmer, Kyle Baldwin, Sheryl Hill and Byron Stutzman.

Mayor Stronks welcomed everyone and opened the meeting at 7:01 pm.

1. AMEND AGENDA:

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

5. OLD BUSINESS: **F. School Light Discussion – FC School Superintendent Byron Stutzman**

Councilman Funke made a motion to accept the Amend Agenda. Councilwoman Hansen 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 Special Meeting Minutes 1-17-2018, 2-26-2018, 3-7-2018, 3-21-2018
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted
- E. **Budget Report** – Worksheet showing the revenues and expenditures for the current fiscal year to date

Councilwoman Hansen made a motion that the Consent Agenda be approved as presented. Councilman Mattingly seconded the motion. The motion passed unanimously.

3. PUBLIC HEARING:

- A. Ashton Ordinance 471-18 – Amendment to Development Code: Conditional Use Permit
Mayor Stronks explained that he has asked City Attorney Sam Angell to be the hearing officer. City Attorney Angell called the public hearing to order. He explained that process of the hearing. First the Council will hear a report from the City's P&Z Administrator, Kyle Baldwin. The Council gets to ask questions and then the meeting will be opened for public input.

Administrator Baldwin gave his report on the conditional use permit. He explained that having a conditional use section in the code is a way to look ahead to the future. He feels it is a necessary thing to have at the City's disposal. He does advise that the City will need to be very careful and take time with applications. Conditional use will allow the City to look at a use that may be beneficial in some areas. It is not an all or nothing approach. Problems can occur if the conditions are unclear or are not checked. The conditions have to be relevant and reasonable. Time limits as conditions can be a problem. Administrator Baldwin feels that conditional use permits can be necessary and valuable. The City is getting to the point where we is going to be seeing some of these problems.

MINUTES–CITY OF ASHTON

REGULAR CITY COUNCIL MEETING

Councilwoman Hansen asked Administrator Baldwin for a short explanation of a conditional use permit. He explained that in the City's current zones, only certain buildings or uses are allowed. With a conditional use permit there may be some commercial things allowed in a residential zone.

City Attorney Angell explained that this permit is an exception rule. It would allow an applicant to ask for an exception to a zoning rule. To get a permit under this rule, an application has to pass through the Council. Conditions can be put on this permit to make sure that rules are followed.

Councilwoman Hansen inquired as to whether other cities have conditional use permits. Administrator Baldwin said they do and he used some of their ideas to write this rule but he tailored it for Ashton.

Councilman Funke asked that if a piece of property in a commercial zone was abandoned and now someone wanted to build a grocery store which had no bearing on what was there before. In that zone is there a time limit then the whole process has to be gone through again. Administrator Baldwin replied that this rule does not take into consideration what was on the property prior.

Councilwoman Hansen asked that if it is approved can the neighbors complain. Administrator Baldwin explained that it would go through a public hearing. Councilwoman Hansen appreciates that the City is looking to the future and the work that Administrator Baldwin has done to put this together.

City Attorney Angell stated that he would like to talk about 'the elephant in the room'. A hypothetical application to build a building with more than the 2 story buildings allowed by City code. Right now the answer is no. After this is passed, there is a mechanism to allow someone to apply for more stories under the conditional use permit. City Clerk Stegelmeier asked if the City could deny the permit with good reasoning. City Attorney Angell said that conditional use permits have a tendency to generate lawsuits. The building code in general is an area that generates lawsuits but this may add to that.

Councilman Funke asked what the difference is between a variance and a conditional use permit. Administrator Baldwin explained that a variance is only given if the property has a physical characteristic that would make building a problem. Such as a creek or slope that would make it impossible to build something within the setback. Conditional use is an exception to the code.

City Attorney Angell asked City Clerk Stegelmeier to get the list of those wishing to speak. There was no one signed up on the list. He then asked the audience if there was anyone who would like to speak.

Sheryl Hill of 238 Idaho Street explained to the Council that they are going to change the law with this change. She explained that if they have not read it she feels they should take your time to go through it before voting. She explained that Teton Valley is at this time facing a lawsuit concerning a conditional use permit. She just would like the Council to take their time as they are changing a law that can have repercussions for years to come.

City Attorney Angell asked if there was anyone else who would like to comment. There was no further comment. City Attorney Angell closed the public hearing.

MINUTES–CITY OF ASHTON

REGULAR CITY COUNCIL MEETING

Councilman Funke explained that he has had a chance to read through the code and would like to have time to read it. Councilwoman Hansen has read it and she is very worried about the legal and or negative consequences. Councilman Mattingly said that he would like to have more time to go over the code.

Councilman Funke made a motion to table the decision until the Council meeting in May. Councilman Mattingly seconded the motion. The motion passed unanimously.

City Attorney Angell explained that although this decision is a legislative not a quasi-judicial decision, the Mayor and Council should refrain from attending any meetings concerning the subject, etc.

4. NEW BUSINESS/PETITIONS:

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

- A. City Sidewalk Discussion – City Clerk Stegelmeier, Todd Martindale **ACTION ITEM**
Mayor Stronks explained that Todd could not attend this evening.

5. UNFINISHED / OLD BUSINESS:

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

- A. City Park Project – Marvin Fielding, Rick Miller **ACTION ITEM**
Marvin Fielding is here to discuss an agreement with Keller Associates for design of the City Park project. It is his understanding that they design the whole project but just bid out the first part for construction. This will break the project up into three phases. The total cost for design is \$26,265. Councilman Funke would like to preliminary drawings prior to a vote. Marvin will send the drawing.
- B. Wastewater Project – Marvin Fielding, Rick Miller **ACTION ITEM**
Marvin also brought information on a SCADA system for the sewer lagoon. This will allow the operators to monitor the lagoons on their smart phone. The suppliers for the low bid have been really responsive and have good references. Councilman Funke asked if the bid included the ability for the operator to control the system on their phone. Marvin did not think that they would need to control the system by phone. It will add some cost. The bid also assumes that instead of a phone line, the City will have some commercial radios that can communicate back to water treatment building. Mayor Stronks asked if Marvin has spoken to public works guys. He has and they liked the second proposal. Marvin explained that Todd Martindale had also called Kirk at the City of St. Anthony and they are happy with the work the company did for them.

Councilwoman Hansen made a motion to accept the bid from Automation ERX LLC. Councilman Mattingly seconded the motion. The motion passed unanimously.

The contractor gave them a price for to bury conduit to repair the wires to the lagoon for the Chart recorder, etc. The bid was double than the bid to bury wire. Mayor Stronks asked if we could get another bid as that seems high. Councilman Funke gives his opinion that conduit should be used. Marvin also explained that the rock profile for Phase II is finished and they will be adding it to drawings. Then the drawings and bid package will be ready to get approval from the Army Corps of Engineers, etc. We are close to putting it out to bid.

- C. Transportation Plan Update – Marvin Fielding **ACTION ITEM**
The committee members are selected and they will be scheduling a meeting to help get priorities for the plan together.
- D. Investment Information – City Clerk Stegelmeier **ACTION ITEM**
City Clerk Stegelmeier gave the Council more information on the investment of money for the City for the Council to look over.
- E. Service Kiosks at Visitor Center – City Clerk Stegelmeier **ACTION ITEM**
City Clerk Stegelmeier explained that the kiosks should be here in time for the opening of the Visitor

MINUTES–CITY OF ASHTON

REGULAR CITY COUNCIL MEETING

Center.

F. School Light Discussion – Byron Stutzman

Byron appreciates the Council taking the time to listen to his proposal. He has been reviewing the sharing of costs for flashing lights on the crosswalks. He has come to the conclusion that since one of the flashing lights is not within the City limits that that school district should pay the costs for it and the City pay the costs for the light that is within the City limits. They will be about the same costs and then it won't be a problem for either entity. Just makes sense that there is no argument that the City used money to pay for something outside the City. He thanked the Mayor & Council for their time.

6. REGULAR BUSINESS/EMPLOYEE REPORTS:

- A. Scheduling – City Clerk Stegelmeier **ACTION ITEM**
City Clerk Stegelmeier went over the schedule with the Council.

7. COUNCIL DISCUSSION:

Councilmembers will bring items to be discussed with the other Councilmembers & Mayor. No action should be taken on these items as they have not been specifically listed on the agenda.

Mayor Stronks explained that a scout talked to him about coming to the meeting. Jobie Palmer wrote him a letter asking if he could put siding on the roof at the pool as part of an Eagle Scout project. Jobie would need the City to pay for the materials. Councilman Funke is concerned that Jobie have good help with the project. Jobie's father, Ron Palmer, said he would be assisting with the project (Ron is a local building contractor). City Clerk Stegelmeier asked about putting a sign on the side of the roof. Ron said it should be no problem. Councilman Funk asked that Jobie (or Ron) get the measurements and material list to the local hardware stores for bidding.

Councilman Funke expressed his concern that the City Council Chamber needs a good sound system. Councilman Mattingly thinks that we may need to get video capabilities also.

8. ADJOURNMENT:

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

NEXT MEETING

- ◆ Regular Council 7:00 p.m. – Wednesday, May 9, 2018, 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

Theo R. Stronks
Mayor