

# MINUTES–CITY OF ASHTON

## COUNCIL MEETING

Wednesday, July 13, 2022

6:00 p.m.

714 Main Street

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*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.*

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**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, John Scafe, Jerry Funke and John Kaelberer.

**Also, in attendance:** City Clerk Stegelmeier, City Attorney Angell, Detective Belew, P&Z Administrator Bowersox, Deputy Clerk Warnke, Andrew Rogers, Amy Trujillo, Zoe Trujillo, Kenny Garz, Rachel Hatton and Sheryl Hill.

Mayor Mattingly welcomed everyone and opened the meeting at 6:00 pm.

### **1. 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 4-27-2022, 6-15-2022
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilman Kaelberer made a motion to approve the Consent Agenda as presented. Councilman Funke 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.*

### **2. NUISANCE ABATEMENT AT 515 MAIN – City Clerk Stegelmeier, Kenny Garz, Chief Griffel** **ACTION ITEM**

City Attorney Angell explained the abatement process to the City Council. He then asked the owner, Kenny Garz, to come forward and speak to the Council. City Attorney Angel explained that if upon the determination of the Council tonight, the property is declared a public nuisance for abatement, the Council may move forward with a remedy and putting all costs of such remedy as a lien on the property tax roll. Kenny explained that he has been having some medical issues so he has not been able to clean up the building. He has now pulled the roof off and is waiting to pull the floor out of the back section. He then plans to push the bricks into the basement and then repair the walls. Councilman Kaelberer asked if there was a timeline. Kenny replied that he hopes to have it done by the end of August. He has the materials and waiting on labor. He is hoping that by the end of August he will have the back wall done and all the rest finished. Councilman Funke asked if he is planning on burying it all. He said yes, pulling out the floor and using the rest for fill. He will need a little gravel as well. He talked about the possibility that the City ruined the drain from the roof as part of the sewer project. City Clerk Stegelmeier explained that the building was in such bad shape that the City did not do anything at that building as part of the project. Councilman Scafe asked about electrical. Kenny said it he will take it all out and that the Stronks' should be able to put up a new meter base as well as a sewer line following the completion of the removal. Councilman Scafe asked

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what his plan was for the property after the removal was complete. Kenny said he is going to put the property on the market for sale. Councilman Kaelberer asked Kenny to coordinate with the City prior to working on the sewer. Kenny said he had no more information for the Council. City Attorney Angell asked if there was anyone else in attendance who would like to speak. There were none. City Attorney Angell said it is now up to the Council to discuss and debate as how to go about the rest of the process. Councilman Kaelberer said that as long as Kenny is moving along, he would like to give him the chance to take care of it himself. Councilman Funke said that he thinks they should give Kenny until the end of August and if the building is not removed, then the City should abate the nuisance. Councilman Scafe agrees that there should be a deadline of the end of August. They all agreed that Kenny had not followed through on cleaning it up or making less dangerous. They all agree that it is a dangerous situation.

Councilman Kaelberer made a motion to declare the building at 515 Main dangerous and a nuisance to public safety that needs to be taken down. The Council will give the owner to the end of August to take the building down and inspected for safety. If it is not done by September 1<sup>st</sup> the City will move forward with abatement of the property. Councilman Funke seconded the motion. The motion passed unanimously.

### **3. City of Ashton Resolution 21-04 – Records Destruction – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier explained that she has a new assistant, Amy Trujillo. She introduced Amy to the Council. She then explained that Amy has gone through the worksheet of what could be destroyed and made the list for the resolution. These records for destruction on transient and semi-permanent records which are beyond their destruction date according to the City's records retention policy.

Councilman Kaelberer made a motion to approve City of Ashton Resolution 22-04 – Records Destruction. Councilman Scafe seconded the motion. The motion passed unanimously.

### **4. Water Study RFP – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier explained that the Council needs to do a Request for Proposal for engineers for the water study. The water study is the first step in finding out if the City needs more water. They discussed a date for a meeting. City Clerk Stegelmeier would have to give notice on the Request for Proposal so it will really depend on the notice requirements. She will contact the Council when she has a date.

### **5. Railroad Avenue Project Update – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier explained that there was a pre-construction meeting earlier in the week. The contractor, DL Beck, is hoping to start work August 25<sup>th</sup>. They will have to delay for harvest by August 10<sup>th</sup> and then they will finish prior to the date required on the grant from LTHAC. City Clerk Stegelmeier has notified the Farmer's Market folks and they are looking to have the market at another location through this last little bit of the summer. She did offer several City locations like the park, etc. but they were still discussing it. The Council asked about budget and City Clerk Stegelmeier explained that they have taken out one of the drain basins, they did speak to Todd about it, so they should be able to come in on budget without the City adding any more money to do all the pavement.

### **6. Sign Safety Project Update – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier explained that she thought there would be an update because the bidding through ITD should have been done yesterday but there has been no news on the bid.

### **7. Tractor Repair Discussion – City Clerk Stegelmeier **ACTION ITEM****

Mayor Mattingly told them about the little John Deere tractor down so that they can break it in half and seals replaced. City Clerk Stegelmeier checked and there are is no warrantee left. Councilman Funke says that maybe the City needs get rid of it if it goes again. Councilman Kaelberer said that it is leaking quite a bit of oil. Councilman Scafe said the cost looks close to what his company would have charged. Shop labor rates

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are high. Councilman Funke said that the City should check to see if there is one to use if we need it before we need it. They talked about weed chopping in the alleys and about mosquito spraying. The tractor is needed. Councilman Scafe said maybe a rental would be possible.

Councilman Funke repair as per the estimate as soon as possible with the understanding that we need the tractor back as soon as possible. Councilman Scafe seconded the motion. The motion passed unanimously.

### **8. Utility Bill Collection Discussion – City Clerk Stegelmeier, Deputy Clerk Warnke, City Attorney Angell **ACTION ITEM****

Deputy Clerk Warnke explained that we need some direction of what to do about accounts that have gotten in arrears. These are usually properties where the owner does not live there and is not paying the base rates. There are about 4 accounts that are in arrears quite a way. Deputy Clerk Warnke did an estimate that the Council has about what the costs were if the owners did not pay for several years. One of the 4 accounts has a balance of \$6,000. She would like the Council to recommend how long to let these accounts go before pulling their services. Deputy Clerk Warnke would like the Council to come up with how long these accounts should be in arrears before the service is pulled. Some of them could pay for the service to be put in for less than they have in back bills. City Attorney Angell explained that a collection action will need to be done through to collect on past balances. Councilman Kaelberer said 90 days after the 45 initial shut off days. Councilman Funke said he thinks it should be 90 days total. Mayor Mattingly said give them 6 months and then pull everything. At 90 days the bill should be about \$341 behind. Councilman Kaelberer said he thinks that most estates or others can come up with that amount where if it goes out longer, they may not be able to pay it. City Clerk Stegelmeier will get something written up for the Council to discuss.

### **9. P&Z Report – P&Z Administrator Bowersox **ACTION ITEM****

P&Z Administrator Bowersox explained that there have been several permits: 3 renovations/additions, 2 sheds, 3 fences. There have been 2 stop work orders given on things started before permitting. Mr. Rumsey is currently collecting signatures on his final plat. He is also gathering up quotes on work before sitting down with the City to go over development agreement. Prior to any work happening on the property the Council will have to approve the development agreement. Councilman Funke asked if Administrator Baker had heard from Mark Loosli on his project. She replied that she hasn't had anyone call or email on that project. Mayor Mattingly thanked Administrator Bowersox for her time.

### **10. Budget Discussion – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier handed out and went over budget sheets with the council. There is a list of salaries, then a 3% raise and 5% added sheets. She reminded them that this would add to the cost of their benefits. On the worksheets, the Council discussed the current year budget showing the actual costs, etc. They discussed having a meeting to discuss the further changes to the budget. They discussed the cost of fuel and utilities.

### **11. Scheduling – City Clerk Stegelmeier **ACTION ITEM****

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

Mayor Mattingly announced that he has received a lot of good comments for the Chamber of Commerce on the 4<sup>th</sup> of July Parade. Rachel Hatton had left the meeting so he asked those in attendance to tell her how good the parade turned out.

### **12. Executive Session – City Attorney Angell **ACTION ITEM****

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 City of Ashton to discuss legal ramifications of and legal options for pending litigation.**

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Councilman made a motion to enter executive session. Councilman seconded the motion. Mayor Mattingly called for a roll call vote. Councilman Funke, aye; Councilman Scafe, aye; Councilman Kaelberer, aye. The motion passed.

The Council entered Executive Session at 7:03 pm.

Councilman Kaelberer made a motion to exit Executive Session. Councilman Scafe seconded the motion. The motion passed unanimously.

The Council exited Executive Session at 7:12 pm

### **13.ADJOURNMENT**

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

The meeting ended at 7:50 pm.

### **NEXT MEETING**

- ◆ Special City Council/P&Z 6:00 p.m. – Wednesday, August 3, 2022 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ Regular City Council 6:00 p.m. – Wednesday, August 10, 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

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Cathy Stegelmeier  
City Clerk

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Tom Mattingly  
Mayor