

MINUTES–CITY OF ASHTON

COUNCIL MEETING

Wednesday, September 14, 2022

6:00 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.*

PRAYER OFFERED BY: Teresa Hansen
CALL TO ORDER & WELCOME
PLEDGE LED BY: Tom Mattingly

In Attendance: Tom Mattingly, Teresa Hansen, Jerry Funke, John Scafe and John Kaelberer.

Also, in attendance: City Clerk Stegelmeier, City Attorney Angell, Detective Belew, P&Z Administrator Bowersox, Marvin Fielding, Nate Finley, Adam Zaragoza, Mary Kern, Andrea Simpson, Julie Maurer, Debby Rhodes, Kathy Scafe, Dave Jacobson, Abby Rossman, Susan Buxton, Joseph Blackburn, Adam Zaragoza, Marvin Fielding, Delena Stronks, Teddy Stronks, Mary Curren, and Rachel Hatton.

Mayor Mattingly welcomed everyone and opened the meeting at 6:03 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 Meeting Minutes 8-10-2022, Special Meetings 8-24-2022
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilwoman Funke made a motion to approve the Consent Agenda as presented. Councilman Scafe 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. **2023 Liquor Licenses – City Clerk Stegelmeier ACTION ITEM**

City Clerk Stegelmeier explained that the applicants have all submitted the required State & County licenses as well as payment. Family Dollar is the only licensee that has not applied for a 2023 license.

Councilwoman Hansen made a motion to approve the 2023 liquor licenses as presented. Councilman Scafe seconded the motion. The motion passed unanimously.

3. **Horse Question – Mary Gurrn**

Mary Curren from Tetonia. Mary is thankful for the time to speak with the City Council. She understands that the City ordinances do not allow horses to be kept within the City. She would like to draw light to something for their consideration. Mary has a daughter who is autistic and nonverbal. They own 5 sheep and a driving pony. A Shetland pony. The pony and the cadence of its walk calm her daughter. She is hoping to move to Ashton. She is still looking for a place to keep the horse & sheep. Councilwoman Hansen asked if Mary is asking if the horse can be on the lot Mary owns in Ashton. Mary said she is just hoping to drive him around the community and possibly to bring him into town. He is a cute little horse. Councilman Scafe is wondering what the limits of the ordinance are compared to special needs rules. City Attorney Angell will look into the issue. It is a unique story. He will look into it and get back with them with an answer. Councilman Scafe is concerned that the City make sure to follow the law and look into it. Mary explained that it is a flagging pony has a doctor's note with him.

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4. **NUISANCE ABATEMENT AT 515 MAIN – City Clerk Stegelmeier, Kenny Garz, Chief Griffel**

ACTION ITEM

Mayor Mattingly asked Chief Griffel to report on the abatement on the building at 515 Main Street. The owner of the building was not in attendance. Chief Griffel explained that the back of the building had fallen in last winter and the City had set a September 1st deadline for the owner to make the property safe for the public. Mayor Mattingly, Police Chief Griffel, City Attorney Angell, Detective Owens, City Building Inspector Bowman and North Fremont Fire Chief Rogers have looked at the property and found that the owner has done all that the City is able to require. Councilman Scafe asked whether the building itself was safe. Councilman Funke is concerned that the walls will collapse into itself with the winter snow. Chief Griffel explained that Mr. Garz took the walls down pretty far and as far as the adjoining walls – the responsibility for their safety falls on the adjoining property owners whose businesses it adjoins. City Attorney Angell explained that the City is responsible for the safety of those on City property. On private property it is the responsibility of the private property owner. City Attorney Angel does think that the City may want to put up a fence so that someone couldn't enter the building from the alley. The question before the council is whether it is a safety condition from the city perspective. Councilwoman Hansen expressed her thought that the property owner should take responsibility and fence it off if it needs to be fenced off. The city's responsibility is the safety of the public on City property. Councilwoman Hansen thinks maybe for public safety the City should put up a fence. Teddy Stronks whose business adjoins on the front is in attendance and is concerned because the building failure made it so his electrical and sewer services were affected. Councilman Scafe said he has to understand that it is his responsibility – it is a civil issue. Councilman Scafe explained that the other property owners will need to get permission from Mr. Garz to go on his property.

Councilwoman Hansen made a motion to put up an eight-foot fence to protect the property to fix it so kids can't get in. Councilman Kaelberer seconded the motion. The motion passed unanimously.

5. **Water Study RFP – City Clerk Stegelmeier** **ACTION ITEM**

Councilman Scafe said that after reading the proposals he feels that both firms are qualified and is having a hard time deciding. City Clerk Stegelmeier reminded City Council that the study will need to be completed in order to apply for grants/funding. The decision on which firm to use for the study needs to be completed as the paperwork will need to be in by the 30th of September. Councilwoman Hansen explained that she thinks both are qualified but she would like to work with Harper Leavitt on this study. She explained that they had proposed looking for grant to even help pay for the study, which she really liked. Councilman Kaelberer agreed with Councilwoman Hansen and feels that it is good to have diversity in the contractors. This is a time when the Council has more of a choice because it is not by bid. Councilman Scafe said that in some ways he would like to choose Keller Associates because they know the system but sometimes fresh eyes help. Keller Associates has done an excellent job and he would like to stay with them because they do a great job. Councilman Funke liked both presentations but he likes to spread business out so he would like Harper Leavitt.

Councilwoman Kaelberer made a motion to accept the proposal from Harper Leavitt Engineering for the City's water study. Councilman Funke seconded the motion. The motion passed.

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

City Clerk Stegelmeier reported that they will be starting work soon on the project. It should be done in time for the grant report at the end of October.

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

City Clerk Stegelmeier explained that she has the bidding packet and is waiting for direction from LTHAC on what will be required prior to receipt of the signs, posts, etc.

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8. Visitor Center Discussion – City Clerk Stegelmeier, Susan Buxton, Adam Zaragoza, Abby Rossman, Rachel Hatton **ACTION ITEM**

Mayor Mattingly asked Susan Buxton, who is the Director of the Idaho Department of Parks and Recreation, if she would like to explain what they have been discussing. Susan explained that she has really enjoyed the Council meeting as she served many years as a City Attorney. She really was impressed that this Council all discussed the issues together. She explained that the Idaho Parks & Rec has been working with the Idaho Dept. of Commerce in receiving a large grant for outdoor programs. She spoke a few months with Michele and Mayor Mattingly to discuss the Ashton-Tetonia Rails to Trails. They are interested in working with the City to reroute the Trail and use the Visitor Center as the start of the trail. As the discussion goes on, it can be decided whether they lease or purchase the Visitor Center, etc. The Trail also has some other needs such as restroom sites on the trail, possible camping sites and improvements to the surface. They are going to be working with their staff and other agencies but wanted to make sure that the City would like to be included and interested in the idea of the Visitor Center being the starting point of the trail. Councilwoman Hansen said that the city is interested. Abby Rossman, who is the director of the Rails to Trail, has a rough draft of a trail through the City to the Wye. They will be working with Union Pacific and home to work out something concerning the Wye property. Councilwoman Hansen said that at an Association of Idaho Cities meeting several years ago they discussed having a trail through the City with painting on the street to help the cyclists follow the trail. There was more discussion on the dump station with discussion on the possibility of it being closed due to the extra sewage and the capacity at the City's treatment facility. Susan Buxton explained that RVing is a great recreation activity and they would be interested in keeping it. They will work through the problems as this project continues. Councilman Scafe asked whether they have a way to take a bike trail up Ashton Hill. They are working on the railroad from Warm River. Councilwoman Hansen asked if there was a first step to the process. Ms. Buxton said they are working on the surveying the trail and the railroad, then go from there. It will take several years to do the project. Councilman Funke asked if they thought it would be a year-round facility. It is premature at this moment but in the future, they will probably be looking at having it open year-round. They will keep doing what they are doing and it won't be motorized in the summer. Ms. Buxton suggests that Adam work with City Clerk and get to the point to make decisions and then take to the Parks & Recreation board to come to an agreement. City Clerk Stegelmeier asked if the Parks & Recreation would consider having local brochures at the facility and they said they would. Mayor Mattingly thanked Susan for her time and Councilwoman Hansen expressed her excitement for the project. Mayor Mattingly asked Rachel Hatton if there was any input from the Ashton Area Chamber of Commerce. Rachel introduced the Chamber board and expressed concern about giving away the Visitor Center. She said the Visitor Center was paid for with volunteer funds and it is wrong to give that away. Jake Jacobsen spoke about attending the Yellowstone-Teton Territory meetings for 17 years and about how he has used that money to fix the visitor kiosks at the Visitor Center. He also expressed concern over closing the dump station in that many RVers also bicycle. He thinks that it is a good idea to work with Parks & Recreation but is concerned about how everything would work. The Chamber is invested in the community and businesses. They want to be included in the discussion about the Visitor Center as they feel they have a stake in it.

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

Administrator Bowersox explained that the development agreement on the Rumsey project is complete and they have started clearing the property for the Phase 1. She also has been participating in the meetings with ITD each week as well as joining the Mayor and Police Chief participating with ITD on the HWY 87 project. There have been a few new permits for sheds but things are starting to slow down.

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

City Clerk Stegelmeier explained that there will need to be an amendment to the FY2022 budget. The street fund had expenditures over budget due to the 2021 slurry seal and Railroad Avenue project engineering.

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The parks fund, street fund and general fund all had more revenue than budgeted and will be amended for that purpose. There will be a public hearing at the next Council meeting to amend this budget.

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

City Clerk Stegelmeier went over the next month’s schedule with the Council.

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.

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

The Council entered Executive Session at 7:32 pm.

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

The Council exited Executive Session at 7: 44 pm

Councilman Funke feels like it is high time for city council to do some strategic planning. He recommends a plan for 5 or ten years out. He is concerned that the City should be looking at even the City Building and what we will need in the future. What are our goals for water, sewer, law enforcement etc. A facilitator can help us to get a plan completed. He feels like we need to think about a new City Building that is centrally located. Councilman Kaelberer thinks a plan is a good idea but is not interested in being like Driggs who he feels built a great monument to themselves. City Clerk Stegelmeier explained that she is having each supervisor fill out a capital improvement plans. She hopes to work on these with the employees through the winter.

13.ADJOURNMENT

Councilwoman Hansen 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, September 28, 2022 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ Regular City Council 6:00 p.m. – Wednesday, October 12, 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