

MINUTES–CITY OF ASHTON

SPECIAL CITY COUNCIL MEETING

Tuesday, July 30, 2019

6:00 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: Teddy Stronks
PLEDGE LED BY: Teresa Hansen

In Attendance: Teddy Stronks, Teresa Hansen, Tadd Atchley and Tom Mattingly. Jerry Funke is excused.

Also in attendance: City Clerk Stegelmeier, City Attorney Angell, P&Z Administrator Sara Bowersox, Michele Smith, John Kalberer, Rachel Hatton, Bernetta Hansen, Nancy Bergman, Sheryl Hill and Lisa Smith.

Mayor Stronks welcomed everyone and opened the meeting at 5:59 pm.

1. PUBLIC HEARING:

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

A. Annexation – Tax 2431 Sec 26 9N 42E

Mayor Stronks explained that City Attorney Angell was going to act as the hearing officer. City Attorney Angell called for order and introduced the annexation reporting that the landowners are Billy and Katherine Stronks. He then asked City Clerk Stegelmeier if the proper notice had been given. City Clerk Stegelmeier said that it had and that a copy affidavit of publication indicating the proper notice is included in the Council packets as well as a copy of the letter that was mailed to the landowners as per City Code. Attorney Angell then asked the Council if they would like to declare a conflict. Mayor Stronks reported that he has a conflict as the applicants are his son and daughter-in-law. City Attorney Angell gave his opinion that as there were only three Council members present, there would not be a need for a tie-breaking vote and Mayor Stronks would not have to leave the room. He did remind him that having declared that contact that he should not ask any questions or make any comments. City Attorney Angell then invited P&Z Administrator Bowersox to give her report on the annexation.

Administrator Bowersox explained that she is not submitting a written report on the application as it is fairly simple. Billy and Katherine Stronks are requesting a voluntary annexation of the part of their property which is not already annexed into the City. The City Code requires an application for an amendment to the official zoning map. This is not an amendment to the Comprehensive Plan. As it is only one lot there is not a requirement for a plat. There does need to be a legal description which has been submitted. The P&Z Commission has held a public hearing concerning this application at which the Commission voted in favor of annexation of the property. Councilman Mattingly inquired as to what acreage is included in the proposed annexation. Administrator Bowersox said that the property in question is .55 acres and the portion that was previously annexed is .398 acres. Administrator Bowersox also did thank Sheryl Hill for questions that Sheryl had asked at the Commission hearing which helped her to have a better understanding about the property in question. There were no more questions for Administrator Bowersox from the Council.

City Attorney Angell then invited the representative of the applicants, Rachel Hatton, to give a presentation on behalf of the applicants.

Rachel explained that she is here in behalf of her brother Billy Stronks and her sister-in-law Katherine Stronks. Billy and Kathryn want to annex this property to have it all under one entity to

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simplify life. It will be simpler to do anything. That is really all it is. All just to simplify their property.

City Attorney Angell said that now he will open the public comment portion of the hearing. He reminded everyone that they would be give 3 minutes and asked that the give their address as they begin their comments. He then called for comments in favor of the application. There were no speakers in favor of the applicant. He then called for comments neutral to the application.

Bernetta E. Hansen, P.O. Box 731, Ashton. Bernetta would like to know the reason for the Stronks application for annexation. At the P&Z hearing the Commission also wanted to know. At that meeting the vote was 2 for the annexation and 1 against. Her home and at least eight other homes are included in the West Side Addition which was established in 1969 and they have the right to know when changes are contemplated that could also affect our properties.

Nancy Bergman, 1041 Highland Street, Ashton. Nancy missed the P&Z Commission hearing. She is concerned about the impact on the City. Nancy went to the County Assessors and Planning & Zoning offices and researched the tax law to find out what the impact will be and it comes down to the assessment on the annexed property will change. It will increase the assessed land value which will increase the assessed value of the property as a whole. The City taxes will increase by \$337. It will be bad for the owner as it will raise the taxes, but it will be good in that it raises the value for sale. The owner would have to have all the permits and follow all the City setbacks. If the owner wants to sell or develop the property it is better to have the property in one. The other issue is the impact of the City. Nancy is concerned about the impact on the City water and sewer. How would annexing would the City be out of money to add them to the sewer or water.

City Attorney Angell then called for comments against the proposed annexation.

Sheryl Hill, 238 Idaho, Ashton. Sheryl has comments and will provide an electronic copy to City Clerk Stegelmeier following the hearing. Sheryl would like the Council to consider four important points prior to annexing this property. Sheryl's points are 1) The State legislature gives Cities the right to annex. The City does not have to annex the property just because it is requested. The purpose of annexation is to ensure that there is orderly development of the City. Also, that the City services are supported. 2) At the P&Z Commission meeting Rachel Hatton did not provide a reason for the requested application. After the Commission repeatedly asked for a reason Administrator Bowersox said that they are not required to provide a reason. Regardless of the reason for annexation – the City can ask the applicant why they want annexation. 3) Sheryl explained that she too had done research at the County on the numbers/values. Without a reason given it seems the only benefit would be the increased assessed value which would be great for a sale. The neighbors are concerned about taxes increasing which is a valid concern. 4) Sheryl is concerned that the P&Z Commission only has 3 members and there should be 5. Maybe the City needs to get the commission up to code. City Attorney Angell explained that Sheryl's time is up.

City Attorney Angell asked if there were any additional speakers. Seeing none he asked Rachel Hatton if she wanted to add anything as the applicant. Rachel added that the reason given at both the P&Z Commission hearing and here is that it is to simplify their property under one entity. City Attorney Angell asked the Council if they had any questions for Rachel. Hearing none he asked P&Z Administrator Bowersox if she had any more comments. Administrator Bowersox reiterated that the City Code does not require that the owner give a reason for annexation. The form that was used is a multi-use form and does have a space for a reason, but it is not a requirement for annexation.

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Administrator Bowersox fully understands the concerns over impacts to values. Administrator Bowersox has also spoken to Kent Lords at the Fremont County Assessor's office. He explained that in the comparisons for assessment – a county lot will not be compared to a City lot – even if they are next to each other. From her research she has found that values are sale driven and that annexation does not raise the value of the surrounding lots. It would also take the sale of more than one lot to affect the values anyway. Values are driven by market forces and not by something being annexed into the City. Councilwoman Hansen wanted to clarify with Administrator Bowersox that the neighbors are not required to annex. Administrator Bowersox says that they do not have to annex. Deputy Clerk Warnke wanted to clarify that any development costs are costs are the burden of the developer. Bernetta is concerned that the City will annex more lots. Right now, there are not any plans for annexation. Administrator Bowersox reiterated that any move by the City to annex would be something that would have to come before the property owners and would take time. City Attorney Angell thanked everyone for their participation and closed the hearing at 6:26 pm.

2. ORDINANCES/RESOLUTIONS:

- A. Ordinance 478-19 – Annexation **ACTION ITEM**
Mayor Stronks called for discussion.

Councilman Atchley made a motion to read the City of Ashton Ordinance 478-19 by title only and dispense with the second and third readings. Councilwoman Hansen seconded the motion. Roll call vote was called. Councilman Atchley, aye; Councilwoman Hansen, aye; Councilman Mattingly aye. The motion carried.

Councilman Atchley read the ordinance into the record by title.

Councilman Atchley made a motion to that Ashton City Ordinance 478-19 be approved and published. Councilman Mattingly seconded the motion. Roll call vote was called. Councilman Atchley, aye; Councilwoman Hansen, aye; Councilman Mattingly aye. The motion passed unanimously

3. UNFINISHED / OLD BUSINESS:

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

- A. ~~Conditional Use Permit – P&Z Administrator Sara Bowersox~~ **POSTPONED TO 8-7-2019**
Mayor Stronks explained that another hearing will be held. City Clerk Stegelmeier explained that it will be held at 7 pm on August 7th.

4. NEW BUSINESS/PETITIONS:

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

- A. Mayor Committee Appointment Nominations - Mayor Stronks **ACTION ITEM**
Mayor Stronks nominated John Kalberer to the Ashton Urban Renewal Agency and Dallas Hill to the P&Z Commission.

Councilman Mattingly made a motion to accept the appointments as presented. Councilman Atchley seconded the motion. The motion passed unanimously

- B. City Parks & Recreation Committee Discussion – Mayor Stronks **ACTION ITEM**
Mayor Stronks would like to add a new committee to the City committees for the parks and recreation committee. He would like to make sure that the tennis courts are maintained, and he would like to organize a committee. The state wants to make sure that it is maintained. Councilman Atchley is concerned that we may already have too many committees. Councilman Mattingly asked if the considered members are citizens of the City. Mayor Stronks said not all of them are but they know about tennis courts.

Councilwoman Hansen was called away so Mayor Stronks called for a short recess.

Councilwoman Hansen said we have trouble filling committees. Councilman Atchley does not want one set up by ordinance. Councilwoman Hansen asked if Mayor Stronks could bring the committee names to the Council and then they could decide at another meeting.

- C. City Employees Discussion – Mayor Stronks **ACTION ITEM**

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Mayor Stronks would like to have the City Employee Christmas Party early and take everyone to the Yellowstone Playhouse. The Council agreed to the plan and directed City Clerk Stegelmeier to pick a date in August and get the reservations completed.

5. BUDGET WORKSHOP:

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

A. Budget Workshop – City Clerk Stegelmeier

The City Council and City Clerk Stegelmeier went over the requested budget items. The Council is concerned that the Wastewater Project money be available so they would like to ask the departments to wait on their big-ticket items until the project is complete. They discussed asking for help from the UVYA and the School Board on the water system at the Ball Park – maybe even gifting the Ball Park to the school district. Mayor Stronks asked City Clerk Stegelmeier to set an appointment for him and Councilwoman Hansen to be on the School Board meeting agenda. The restroom funds would need to come through the Vasic Fund if possible and the Council will discuss that with Councilman Funke at the next meeting. City Clerk Stegelmeier will bring a draft budget to the next meeting.

B. Scheduling – City Clerk Stegelmeier

The Council went over the next few week’s schedule.

6. EXECUTIVE SESSION:

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.

(i) To engage in communications with a representative of the public agency’s risk manager or insurance provider to discuss the adjustment of pending claim or prevention of a claim imminently likely to be filed. The mere presence of a representative of the public agency’s risk manager or insurance provider at an executive session does not satisfy this requirement.

Councilman Atchley made a motion to enter executive session. Councilwoman Hansen seconded the vote. A roll call vote was called. The motion passed unanimously.

The Council entered executive session at 7:26 PM. City Clerk Stegelmeier was asked to leave.

Councilman Atchley made a motion to come out of executive session. Councilwoman Hansen seconded the motion. The motion passed unanimously.

The Council exited Executive Session at 7:59 PM.

7. ADJOURNMENT:

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

The meeting ended at 8:00 PM.

NEXT MEETING

- ◆ Regular Council 7:00 p.m. – Wednesday, August 14, 2019, Council Chamber, Ashton City Building – 714 Main, Ashton. Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting 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