

MINUTES–CITY OF ASHTON

COUNCIL MEETING

Wednesday, September 13, 2023

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. Questions concerning items appearing on this Agenda 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*

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.

Also, in attendance: City Clerk Stegelmeier, City Attorney Angell, P&Z Administrator Bowersox, Deputy Clerk Warnke, Jim Mullen, Kyle Jones, Nate Finley, Andrew Hood, Shalese Hill, Dallas Hill and Rachel Hatton.

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 Meeting Minutes 11-09-2022, 8-9-2023, 8-23-2023
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilman Kaleberer 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.

1. Conditional Use Permit at 83 N. 2nd – P&Z Administrator Bowersox, Kirk Teske
ACTION ITEM

P&Z Administrator Bowersox explained that the process for a Conditional Use Permit is that following the application for the permit, the Planning & Zoning Commission will hold a public hearing and make a recommendation to the City Council. A public hearing before the City Council is not required but the City Council may ask that one be held if they feel that it is necessary. Administrator Bowersox explained that the Council has a copy of her report, the application and sketch plan of the project. The project is at Teske's laundry mat and will consist of a single-story storage building. It will be built in the same style as the laundry mat and will be 130 feet long with 10 to 15 units. No citizens came to be heard at the hearing before the P&Z Commission and there were no written comments received. The Commission did ask the applicant how the units would be accessed and were told that they would be accessed from the outside, there would be no shared hall. The applicant will be required to follow regulations on building separation and setbacks. The property immediately to the east, Reinke Grain, is in the Industrial Zone and storage units are use allowed in that zone. Administrator Bowersox's recommendation to the P&Z Commission was for them to recommend approval of the Conditional Use Permit at 83 N. 2nd. The Commission did vote to approve recommending that the City Council approve the application. Administrator Bowersox asked if the Council had any questions. There were no questions. Mayor

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Mattingly did ask City Attorney Angell if City Councilwoman Hansen would need to recuse herself from the vote. City Attorney Angell said it is up to her but that she may want to err on the side of caution. Councilwoman Hansen recused herself voting on this item.

Councilman Funke made a motion to approve the Conditional Use Permit at 83 N. 2nd as presented. Councilman Scafe seconded the motion. The motion passed unanimously.

Administrator Bowersox wanted to let the Council know that on the evening following Council Meeting (September 14, 2023) the P&Z Commission is holding an open house to discuss a potential change to the Zoning in the Impact Area. This change would be along State Highways 47 & 32 on the East side of town. The zoning there now is Low Density Residential. The Council and the P& Z Commission have both discussed changing the zoning to Commercial for the properties bordering the highways. Letters have been sent to those property owners within 200 feet of the highways and the public is welcome to attend. A public hearing on the change has also been scheduled for September 28th at 7 pm. Tomorrow night will be an informal discussion without a quorum of the P&Z Commission. If the P&Z Commission approves moving forward with the change, there will be a public hearing at the City as well as at the County level because the Impact Area is outside the City boundary. The City Council is welcome to attend both the open house and the hearing but please be sure to notify City Clerk Stegelmeier if you are going to attend to be sure that there is not a quorum of the Council at either meeting. Councilman Kaelberer asked if everyone in the impact area would be allowed to connect to the City's water & sewer. Administrator Bowersox explained that any properties allowed to connect would need to directly border the City and the best practice is to annex any properties that are connected to services.

2. Maple Leaf Drive RFP – City Clerk Stegelmeier, Engineering Company Representatives ACTION ITEM

City Clerk Stegelmeier explained that the Council will need to decide on which engineering company to design the Maple Leaf Drive water line following their review of the proposals. Councilwoman Hansen explained that she is not ready as the proposals were just received. She would like to hear a presentation. Councilman Kaelberer agreed that there has not been time to review the proposals. Mayor Mattingly asked City Clerk Stegelmeier to have the engineering firms give a presentation at the next Council meeting.

3. Utility Bill at 161 Pacific Avenue – City Clerk Stegelmeier, Deputy Clerk Warnke, Dallas Hill ACTION ITEM

City Clerk Stegelmeier explained that the City Council has the information on the outstanding bills owned on this property in their packets that was asked for by Dallas Hill. She explained that the bills are for the base rates owed on the water & sewer connections. Mayor Mattingly asked Dallas to come to the podium. Dallas asked if he could give the City Council some information that he has put together. Mayor Mattingly said that he could, and Dallas handed out some handouts to the City Council. Dallas explained that this property was Zeta Wilcox's home. He explained that he would like to thank the City Councilmembers for their willingness to serve on the City Council. They fulfill a special role in reaching out to the citizens. He is thankful that citizens have a chance for their voices to be heard before the City Council. His petition is specifically in conformity with Idaho statutes. This property has gone through the tax deed process, and he is not asking for a special favor. He is asking for the law to be applied appropriately. The City's current code does not accommodate foreclosures or tax deeds. These processes are used to dissolve a property of legal debts. It is not about special treatment; it is applying the law equally. Dallas went through the information on Idaho Statutes and other items in the packet that he handed to the Council. He then asked that the City Council dissolve the property of the debt owed and update the City Code and policies & procedures to be in line with the State Code on this subject. Mayor Mattingly asked Dallas about how much money is owed and then explained that every person/property had to pay the amount each month to pay back the loan that the water system has received. In forgiving this amount – the rest of the people/properties will just have to pay more than their share. The voters voted to borrow this money. It is a lot of money to expect everyone else to pay.

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As a matter of law or fair treatment. Mayor Mattingly asked the City Attorney to look over the information brought by Dallas and get back with the City Council next month.

4. Wastewater Screen Project – Jim Mullen, City Clerk Stegelmeier *ACTION ITEM*

Jim Mullen is here to update the City Council on the wastewater screen project. The design is on schedule and will be finished in November. Bid packets will go out and the bidding will be completed in January & February. Mayor Mattingly reminded Jim that the project needs to be started in April and completed by the fall of 2024.

5. 2024 Liquor Licenses – City Clerk Stegelmeier *ACTION ITEM*

City Clerk Stegelmeier explained that all the applications were complete, and she is just waiting on one of the checks that is being sent by mail. There was some discussion on payments due to a returned check in 2022. The Council discussed having City Clerk Stegelmeier wait to deliver the licenses until the payments have cleared.

Councilman Kaelberer made a motion to approve the contingent payment received and approved as presented. Councilman Funke seconded the motion. The motion passed unanimously.

6. Surplus Sale – City Clerk Stegelmeier *ACTION ITEM*

City Clerk Stegelmeier discussed the surplus items with the City Council. Mayor Mattingly explained that there is a school in Island Park which may want the merry-go-round. City Clerk Stegelmeier will contact the City of Island Park and if the school is interested the City will donate the old merry-go-round. If the school is not interested, then the City will sell it as a surplus item. The Council asked that she put photos of the items on the website. A minimum bid was discussed for the car.

Councilwoman Hansen made a motion to approve the items presented for sale as surplus with a minimum bid set on the green car of \$400. Councilman Scafe seconded the motion. The motion passed unanimously.

7. Scheduling – City Clerk Stegelmeier *ACTION ITEM*

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

Councilman Scafe asked if the City had made a recommendation to the ITD on which path the Ashton to Hwy 87 road should take at Ashton. Mayor Mattingly said that a decision on the City's recommendation would come through the Council.

Councilman Funke said that the public works could get weed killer cheaper through county weed department than through the stores. He did want to stress that Justin and Michele have been doing a good job and things are looking better. He is happy that the old Moon house has been sold and is being cleaned up.

8. ADJOURNMENT

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

The meeting ended at 7:44 pm.

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

Cathy Stegelmeier
City Clerk

Tom Mattingly
Mayor