

# MINUTES–CITY OF ASHTON

## REGULAR COUNCIL MEETING

Wednesday, February 8, 2023

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. 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*

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**PRAYER OFFERED BY: John Scafe**  
**CALL TO ORDER & WELCOME**  
**PLEDGE LED BY: Teresa Hansen**

**In Attendance:** Tom Mattingly, Teresa Hansen, John Scafe and John Kaelberer. Jerry Funke was excused as he is out of town.

**Also, in attendance:** City Clerk Stegelmeier, City Attorney Angell, Chief Griffel, Nate Finley, Nathan Maravilla, Kurt Eidam, Maria Eidam, Judy Hobbs, 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 Meeting Minutes 11-09-2022, Minutes 1-11-2023
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

City Clerk Stegelmeier explained that there has been a change to the consent agenda in that the minutes for the meeting on 11-09-2022 were not complete and are not included in the consent agenda.

Councilwoman Hansen made a motion to approve the Consent Agenda as presented. Councilman Scafe seconded the motion. The motion passed unanimously.

Councilman Scafe made a motion to go out of order and move the executive session to the first order of business. Councilwoman Hansen 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. **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.*

(c) **To acquire an interest in real property not owned by a public agency.**

(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 that the Council enter executive session. Councilman Kaelberer seconded the motion. Mayor Mattingly called a roll call vote: Councilman Scafe, aye; Councilwoman Hansen, aye; and Councilman Kaelberer, aye.

The Council entered executive session at 6:05 pm.

Councilman Scafe made a motion that the Council exit executive session. Councilwoman Hansen seconded the motion. The motion passed unanimously.

The Council exited executive session at 6:08pm.

### 2. **Public Hearing: City of Ashton Ordinance 497-23– Parking on City Streets**

Mayor Mattingly opened the public hearing at 6:09 pm. He asked City Clerk Stegelmeier if the proper notice

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has been given. City Clerk Stegelmeier replied that it had but she has not received the affidavit of publication in the mail yet. Mayor Mattingly then asked the Council if any of them would like to declare a conflict of interest. Hearing none, he asked City Clerk Stegelmeier to give them an overview of the ordinance. She explained that the ordinance will give the police a way to ticket those who park on the street surface often and cause issues with traffic flow. It is not meant to stop parties, reunions and things like that – it will be for someone who is using the street as a parking space for their home. There are some places where neighbors, etc. has had problems with this issue.

Mayor Mattingly asked if everyone had signed up on the sheet who wished to give testimony. Deputy Clerk Warnke retrieved the list from the sign-in table and gave it to him. He then called the first name on the list to come and speak. He asked them to give their street address for the record.

Maria Eidam, 524 N. Hwy 20. Maria explained that she is against passage of the ordinance. Maria said that the ordinance that City Clerk Stegelmeier described is already in place. What Maria is against is Ordinance number 497-23. This ordinance will be possible for the City of Ashton to begin tomorrow to impose \$50 and \$100 fines on the drivers of any type of service or delivery truck including UPS delivery trucks, FedEx delivery trucks, Schwan's, propane or many others. That is the ordinance that Maria is against. She explained that there is already an ordinance that restricts long term parking. She said it is 10-12-040 (she is referring to Ashton City Code). The new one is tricky. She is wondering what the City is thinking. For her business, their landscapers need to park on side of the road, do the lawn maintenance and then zoom off. They do not park there forever but neither do the Schwan delivery guys or propane people. Then the fines on top of that. She thinks that the City Council needs to think about it a little more before they pass it because what City Clerk Stegelmeier described is already in place. Please don't pass this ordinance, she is against it's passage.

Kurt Eidam, 524 N. Hwy 20. As Maria mentioned, the ordinance is already there he thinks that they can just rewrite it so that people who do service or delivery in a shorter time like two or three hours, etc.. Put in the ordinance saying this is for those who park long term or keep cars for long term on the streets. He can see that problem. Otherwise it is a very unfriendly town that you can't park on the street for two or three hours to visit someone. It needs to be reworded and explained better, right now it does not promote business. Kurt thinks there is a way to write it so that people are not scared to get packages or lawns mowed or whatever.

Rachel Hatton, 969 Cherry Street. Rachel explained that the way City Clerk Stegelmeier explained it was for those who park overnight, etc. She understands from what she has heard Chief Griffel or the Council discuss in previous meetings for like if you are there for a birthday party, is this the ordinance that has been discussed previously. If so, she would like to know where this problem is coming from and why. She feels that we are starting to get a bit too nitpicky about things but maybe there is a problem that she is unaware of. She is concerned that we are getting a little, she doesn't know, this hasn't been a problem in Ashton before. She doesn't see the need to address it. She is glad that if you do get cited you don't suddenly have a misdemeanor, that's always a bonus. She appreciates Chief Griffel looking at this and updating the situation but at the same time she would like to ask him, inquire where this problem coming from because in the years she's lived here she has never seen this be such an issue before.

Sheryl Hill, (she did not state her address). Sheryl says that it is important to read the ordinance. It says 'for any owner or operator to stop, park or leave a vehicle or trailer whether attended or unattended on public roadways within the city limits of Ashton, Idaho'. That is a very simple, overly broad statement. This is title 10 of the Ashton Municipal Code, chapter 10.12 contains definitions of streets, parking restrictions, removal of snow from streets, unlawful interference with snow removal, everything that you are really

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concerned about is already in the code. Furthermore, 497-23 is an amendment to the code but it does not contain any statement of the part of code that it is amending. If you will notice that ordinance 498-23 lists the code 1.6.010 – that’s what it is amending. This ordinance does not have an amendment to the code. Sheryl thinks that it is an invalid proposal and hearing simply because the ordinance does not contain reference to the code that is being amended tonight. Keep in mind, under 10-12-010 streets defined, it includes the entire right of way of all streets that is 80 feet. If you recall, we had a whole public hearing on that in December. So that means that everybody who parks their vehicles in the right of way, and many people in Ashton do – she sees three people up here who do, you’ll be in violation of ordinance 497. This is overly broad, she is not, she understands that there is a problem with people just parking in the street long term, she has seen it herself. But this is not the way to address it. You already have a code. Follow the code, amend the code as necessary, make sure that your definitions of roadway and street won’t conflict, that the definitions of street and roadway includes the right of way so that we don’t have all the confusion that we had in November.

The Mayor explained that there are no more names on the agenda and asked if anyone else would like to make a comment. Hearing none, Mayor Mattingly closed the public hearing at 6:20 pm.

### **3. City of Ashton Ordinance 497-23– Parking on City Streets **ACTION ITEM****

Mayor Mattingly asked Chief Griffel to come up and discuss the ordinance with the Council. Chief Griffel explained that in researching the codes and the ordinance he has not been able to find anything with any ‘teeth’ that allows them to cite anyone on any of the back streets. Main Street is an exception because of snow removal and a posted 2-hour parking. It states in the code that there is two hour parking in the entire town but it has to be posted and it is not on any other streets other than Main Street. The issue that they have is that there are a number of people who like to use the asphalt as their parking lot. It is closing down, choking down one lane of traffic and it is a hazard. Where it is on the back streets like that, he cannot find any code that gives them anything that they can do about the problem. Mayor Mattingly asked if there is anything in there on fines. Chief Griffel said he does not believe so. It would be an infraction citation and there is no infraction citation fine amount listed in the General Penalties portion of the code. That is why that portion of the code is set for amendment. They can use the snow ordinance code but the parking on the asphalt is not always in the wintertime. Councilman Kaelberer asked Chief Griffel to clarify that delivery trucks, etc. are not who this ordinance is designed to police. Chief Griffel believes that they are exempted from the ordinance. Councilman Kaelberer is pointing out that the Ashton Police Department is one of the fairest police departments and the perception that they would ticket every deliveryman, etc. is just not true. It is a misperception. This is not the case. It is for those who continually abuse and cause a hazard by parking on the asphalt. Councilman Kaelberer thinks that people are looking at the ordinance too broadly. Councilwoman Hansen thinks that maybe the ordinance is written too broadly. She would like to have the police go back and fix it to be more specific. Councilman Scafe is also concerned that it is too broad – he did not like the work ‘any’ because it included everyone. Maybe something could be added to exclude delivery workers, etc. Chief Griffel would like to update the ordinance and make some changes. Mayor Mattingly said that a term for the road that could be used in the ordinance is the ‘travel part of the street’. City Attorney Angell clarified that the Council would like one of the exceptions to be commercial delivery services such as UPS or FedEx. The council agreed. He asked if there are any other exceptions that they would like to include. The council said professional maintenance services.

Councilwoman Hansen made a motion to table Ordinance 497-23 until it can be revised. Councilman Scafe seconded the motion. The motion passed unanimously.

### **4. Public Hearing: City of Ashton Ordinance 498-23 – General Penalties Update**

Mayor Mattingly opened the public hearing at 6:31pm. He asked City Clerk Stegelmeier if the proper notice has been given. City Clerk Stegelmeier replied that it had but she has not received the affidavit of publication in the mail yet. Mayor Mattingly then asked the Council if any of them would like to declare a

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conflict of interest. Hearing none, he asked City Clerk Stegelmeier to give them an overview of the ordinance. She explained that although there are a few ordinances/codes that list the penalty as an infraction but there are no fines listed under general penalties. This will fix that omission in the code.

The Mayor then noted that there was no one signed up to comment. He asked if anyone from the audience wanted to comment. There were no comments from the audience. Mayor Mattingly closed the public hearing at 6:33 pm.

### **5. City of Ashton Ordinance – 498-23 – General Penalties Update *ACTION ITEM***

Councilwoman Hansen made a motion to table discussion on this ordinance until they have worked on ordinance 497-23. Councilman Scafe seconded the motion. The motion passed unanimously.

### **6. City of Ashton Ordinance – 499-23 - Vacating Alley in City Park Block – City Clerk Stegelmeier *ACTION ITEM***

City Clerk Stegelmeier explained that this is just a draft and they will finalize it next month. When the final paperwork was submitted on the grant for the multipurpose court, the Idaho Department of Parks and Rec required an updated map of the park done by a professional. The original plat of Ashton has an alley in the park block. The alley has never had any utility line in it or anything but Idaho Parks & Rec would like it vacated. The Council discussed the location of the platted alley. City Clerk Stegelmeier wanted to explain everything to them so they could discuss it.

### **7. School Bond Information – Tia Cherry**

Judy Hobbs is here instead of Tia Cherry, representing the Fremont County School District, to explain the reason for the bond election. Judy brought handouts and went over the bond with the Council. She reported that there will be a meeting at North Fremont High School on February 13<sup>th</sup> for those who would like to ask more questions. She explained that she feels that the school district has a good reason to borrow the money and everyone should vote in favor of the bond. Councilman Kaelberer asked if he could speak and explained that he feels that the school board has not studied the interest, etc. He does not think everyone should vote for the bond. Councilwoman Hansen expressed her opinion that everyone should attend the information meeting and decide for themselves. She also felt that the City Council meeting was not a time to debate the topic. Councilman Kaelberer said he just thinks that both sides should be represented.

### **8. American Dog Derby Discussion – Councilman John Scafe *ACTION ITEM***

Councilman Scafe explained that everything is looking really good. There is enough snow! The mushers are excited and there is a lot of interest from the public. There will be snow shoe races for some of the school classes on Friday as well as a clergy race. That evening will be the soup challenge at the Community Center. Saturday there will be snojourning, weight pulls and lots of other activities. There is free parking on Main Street between 6<sup>th</sup> and 7<sup>th</sup> Streets and there are signs for that coming. He appreciates the City leaving snow on Main Street in preparation for the race. The American Dog Derby Committee is an all volunteer committee and they work hard to put on the dog derby each year. Mayor Mattingly expressed the City's thanks to the committee for all their work.

### **9. Snow Cross Race – Kris Eidinger *ACTION ITEM***

Kris Eidinger is excited to bring the snow cross race to Ashton again. They are coordinating it to be the same days as the dog derby this year so that people can attend both to see different races. It will be Friday and Saturday. There will be a lot of races and good food for all. Mayor Mattingly thanked Kris for coming and telling the Council about the event.

### **10. ITD PEL Study Update – Micah Brown *ACTION ITEM***

Micah Brown is here to update them on the ongoing PEL study on the Ashton to Hwy 87 project. They have now had more public meetings. There were 53 attendees in attendance at the Ashton meeting and 5,700 on online meetings. There will be a final screening at the end of the month with a big discussion held on March

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9<sup>th</sup>. He has received a request from the City for an economic study and has reached out to the Idaho Department of Commerce for assistance. They will get back with the City as they start working on the study. City Clerk Stegelmeier asked some questions about the stop light project and Wade Allen of the ITD was there to answer. She asked if there was more construction that would need to happen after the snow is gone. He answered that the entrance to the Forest Service building will need to be redone, sidewalks on the east and west south of the intersection and on the west north of the intersection. Also, the lines will need to be repainted. He is unsure of the timeline for when the lights will be functioning but he thinks they are still 2 weeks out because they are waiting for parts.

### **11. Audit Report – Nathan Maravilla, City Clerk Stegelmeier *ACTION ITEM***

Nathan Maravilla is here to go over the audit with the council. Nathan said that they are giving a clean opinion of the financial statements. City Clerk Stegelmeier has made great progress and there are no findings other than that given to all small cities. Small cities do not have the personal to have sufficient segregation of duties. This is noted but there is no evidence of any mishandling of funds. Nathan went over each fund. He is concerned that the Street Fund and Parks and Recreation Fund continue to struggle. The General Fund has been assisting both funds. There will need to be careful management of the funds this year to lessen the burden on the General Fund. The raise in rates is working with the Sewer Fund and the Water Fund is doing well. The Sanitation Fund will need to look at raising rates to cover costs. Nathan thanked City Clerk Stegelmeier and Deputy Clerk Stegelmeier with their assistance in finding/preparing all the information they needed for the audit.

### **12. Bank Discussion – City Clerk Stegelmeier**

City Clerk Stegelmeier explained that the city code needs to be updated with current banking information and she will bring that to Council next month. She also explained that she would like to change credit card companies because of some issues she has had with the large corporation card that the city currently uses. She will finalize the information and bring it back to Council next month.

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

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

### **14. ADJOURNMENT**

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

The meeting ended at 7:24 pm.

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

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Cathy Stegelmeier  
City Clerk

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Tom Mattingly  
Mayor