

MINUTES–CITY OF ASHTON

COUNCIL MEETING

Wednesday, October 11, 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 Kaelberer

CALL TO ORDER & WELCOME

PLEDGE LED BY: Teresa Hansen

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, Tyrel Clark, Chad Pickering, Zach Pickering, Jaden Jackson, Addi Labra, Hannah Harshbarger, Bella Jolley, Kyle Jones, Nate Finley, Andrew Hood, Shalese Hill, Dallas Hill, Delray Hill, Chase Hendricks, Jess Brumfield and Rachel Hatton.

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

1. AMEND AGENDA: **ACTION ITEM**

9. 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.

(A) To consider hiring a public officer, employee, staff member or independent agent, where in the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need

Mayor Mattingly explained that an amendment will not be necessary.

2. 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~~, 9-13-2023
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilwoman Hansen 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. Upper Valley Board of Guardians – City Clerk Stegelmeier, Chase Hendricks, Commissioner Kamachi **ACTION ITEM**

Chase Hendricks and Commissioner Scott Kamachi are here to speak to the Council about the Upper Valley Board of Guardians. He explained that there has been an effort to reinvigorate the Upper Valley Board of Guardians. The Board of Guardians is an entity formed by Fremont, Jefferson, Lemhi, Madison and Teton counties to help fund and appoint people to that board to serve as guardians for people who do not may not have family members or others who could act in such a role. A legal guardian is someone who could has legal control and help individual make decisions of their care. The first purpose of coming to the City Council

MINUTES–CITY OF ASHTON

COUNCIL MEETING

is to inform them that the board exists and to ask for help in finding residents who may volunteer for the board. The goal is to get people signed up for services with Medicare and other available assistance. Commissioner Kamachi asked that the City get in touch with him with any suggestions for those who may like to serve. They do have people to help train the guardians and there is immunity for those wishing to serve. There is a need for guardian assistance and when we can help those in need of these services into a facility where they are safe it really assists law enforcement.

2. Residential Usage in Commercial Zone – Brad Pickering, City Clerk Stegelmeier, P&Z Administrator Bowersox, Chief Griffel

Mr. Pickering is here to speak to the Council. He owns Sunkist Towing in Idaho falls and has bought a property on Maple Street here in Ashton. His son, Zach Pickering, is here with him tonight. Mr. Pickering has cleaned up the property and tore the house down. He would like to move two double wide trailers onto the property in order to house a caretaker. He has spoken with P&Z Administrator Bowersox and found that residential use is not allowed in his property's zone. As a towing company, he is a first responder and needs to have a caretaker there on the property. Mayor Mattingly has spoken to the Idaho State Police and towing companies are not categorized as first responders. Councilman Kaelberer asked why there would be a need for two trailers for a caretaker. Mayor Mattingly said the Council would consider Mr. Pickering's request. Mr. Pickering expressed his appreciation for the prayer and pledge at the beginning of the meeting as well as their consideration of the matter. Mayor Mattingly asked Administrator Bowersox to give an explanation. Administrator Bowersox explained that like many in that zone, there were houses before it was zoned Highway Commercial. All of those homes are grandfathered and can continue to be there. and be homes on those lots. Going forward, in the Highway Commercial Zone residential use is not allowed. This zone is also not eligible for conditional use permits. It is not part of the conditional use code.

3. Mobile Home in Low Density Residential Question – P&Z Administrator Bowersox, Addi Labra **ACTION ITEM**

Addi Labra explained that she and her husband live here in Ashton and she owns a beauty salon. She and her husband have been planning on building a home on property they own in Ashton. Right now the cost of building and a loan are high so they are going to wait to build. They have been living in a camper on their property in the summer and renting a home in the winter. She has found a mobile home which she could purchase and put it on the property. When she spoke to Administrator Bowersox, she found that in Ashton a mobile home is required to have a permanent foundation. She is asking them to put the mobile home in without a foundation just until they can build their home. Administrator Bowersox said that the code says that for a mobile home in a mobile home park does not have to have a permanent foundation and there is no provision for a temporary. Councilman Funke asked if a cinder block foundation is considered a permanent foundation. Mayor Mattingly asked Administrator Bowersox if she would check with the City's building inspector to see what could be done. Administrator Bowersox will get back with Addi with more information.

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

Dallas explained that he would like his attorney, Chase Hendricks, to speak for him and Mayor Mattingly allowed it. Mr. Hendricks explained that tax deeds are nuanced area of the law. Tax deeds are a situation that can put a property out of a blighted situation and back on the tax rolls. These properties typically have so many liens and mortgages on them and the county comes in and sells it for what it is worth. No one would touch a tax deeded property because it is so behind on liens. They even wiped away tax easements. He thinks the Council would be better off to work things out instead of taking

MINUTES–CITY OF ASHTON

COUNCIL MEETING

things to court or refusing to compromise. Councilwoman Hansen explained that these are not taxes, they are fees for services. It is a bill for and they could have had the services removed. Discussion continued back and forth on the question of legalities. Councilwoman Hansen explained that the City hopes that whoever would buy it would make it right. Mayor Mattingly said he will meet with the City Attorney and get back with Mr. Hendricks.

5. **Water Line RFP – City Clerk Stegelmeier, Engineering Representatives** **ACTION ITEM**

Kyle Jones explained that they would have the drawings done by January. It is not a long water line. The project should be able to bid out in December/January. The biggest problem is rock in that area and there will be up to 850 feet of rock excavation. The design team does quick work. It should be a simple project.

Tyrel Clark is here representing Keller and Associates. Keller and Associates has completed water lines all over the states. He then went over some of the projects that they have worked on with the City in the past. They have been happy to work with the City. They know water lines and they know Ashton. They listen to their clients. They will listen and the City's staff are experts on their cities. They will incorporate the workers' ideas, thoughts, etc. into the system. Of course, rock will be a problem here in Ashton. They can start designing as soon as a contract is signed. Construction will be in the summer of 2024. They will do a simultaneous bid and review meaning that the work will be advertised while the final review is being completed with DEQ.

Councilman Scafe said that sometimes it is good to have new eyes. Both firms are great quality and very qualified. Councilwoman Hansen said she had spoken with the public works staff and they like working with Keller & Associates so she will vote for Keller. Councilman Kaelberer said he liked both presentations.

Councilman Scafe made a motion to accept Keller as engineering design firm for the Maple Leaf Drive water line replacement. Councilman Kaelberer seconded the motion. The motion passed unanimously.

6. **Wastewater Screen & Railroad Avenue Projects – Jaden Jackson, City Clerk Stegelmeier** **ACTION ITEM**

Tyrel Clark reported that the final draft of plans will be done in the final part of November. Out to bid in January, February. On the Railroad Avenue Project – he spoke with Todd and the sewer line that has been freezing is outside the area that they had surveyed so there will need to be some additional surveying done. He will bring that contract back for approval next month. The land ap site permit renewal is also due and he will be bringing back a proposal for that work at the next meeting.

7. **Visitor Center Discussion – City Clerk Stegelmeier, Abby Rossman** **ACTION ITEM**

Jess Brumfield is here representing the Idaho Department of Parks & Recreation (IDPR). Essentially, the IDPR wants to purchase the visitor center and property. There are some repairs and other additions that are needed to be up to date on the ADA requirements, etc. They also want to fix up the restrooms, heating and furnace to go through the winter months. These updates/upgrades are going to be costly and they will want to go over the purchase price with the Council. They are planning to come back to the City Council at the December meeting. Again, he wants to assure the City that the IDPR wants to purchase the center and there will be considerable investment by the IDPR.

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

City Clerk Stegelmeier went over the schedule with the Council.

MINUTES–CITY OF ASHTON

COUNCIL MEETING

Councilman Funke thought it may help during the winter if the City marked each water meter so that they could avoid them. He said the City could put it in the newsletter.

Councilman Scafe asked about the old Maupin service station. Mayor Mattingly is concerned that it is going to be unusable. It is owned by Nathan Ricks. Chief Griffel has spoken to Nathan and he is supposed to be getting something done.

9. Executive Session – City Attorney Angell **ACTION ITEM**

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The executive session was not added so there was no executive session.

10. ADJOURNMENT

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

The meeting ended at 8:10 pm

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

Cathy Stegelmeier
City Clerk

Tom Mattingly
Mayor