

# MINUTES–CITY OF ASHTON

## REGULAR COUNCIL MEETING

Wednesday, October 13, 2021

7:00 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.*

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Due to the COVID-19 pandemic, social distancing will be required which may impact the amount of people able to attend the meeting.

**Please do not attend the meeting if you feel sick or have been around those who have been sick.**

**PRAYER OFFERED BY: John Kaelberer**  
**CALL TO ORDER & WELCOME**  
**PLEDGE LED BY: Tadd Atchley**

### CALL TO ORDER & WELCOME

**In Attendance:** Tom Mattingly, Teresa Hansen, Tadd Atchley, Jerry Funke and John Kaelberer.

**Also, in attendance:** City Clerk Stegelmeier, Police Chief Griffel, City Attorney Angell, P&Z Administrator Bowersox, Shannon Belles, Andrea Simpson, Christine Dexter, Jim Hobbs, Joseph Corbett, Sheryl Hill, Lisa Smith, Rachel Hatton and John Scafe.

Mayor Mattingly welcomed everyone and opened the meeting at 7:00 pm

### 1. Executive Session – City Attorney Angell

*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 public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.**

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

The Council entered Executive Session at 7:01 pm.

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

The Council exited Executive Session at 7: pm

### 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 Special Meeting Minutes 9-15-21, 9-29-2021, ~~10-6-2021~~
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilman Funke expressed concern about the cost of the pivot tire from Golden West as he thinks the cost is excessive. He asked City Clerk Stegelmeier to hold the check for Golden West until she checks with them to see why the cost was so high. City Clerk Stegelmeier said she would talk to them and then contact each of the council member to report prior to sending/not sending payment.

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Councilman Atchley made a motion to approve the consent agenda as presented. 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.*

#### 3. Conditional Use Permit at 24 S. 5<sup>th</sup> Street – P&Z Administrator Bowersox, City Attorney Angell **ACTION ITEM**

The council continued discussion on the conditional use permit at 24 S. 5<sup>th</sup> Street. Councilman Atchley explained that he can see that there are some areas of the code that the permit does not meet but he feels that it meets enough of the general standards for a conditional use permit that it should be approved. Mayor Mattingly expressed agreement with Councilman Atchley that the code does need to be updated and that would cure a lot of the problems. Councilman Kaelberer does not feel that this application meets the standards for approval but he does want to provide some relief for the property owner. There are changes that need to be done so that there can be relief because there are going to be other applications coming up. He does want to be careful in those changes so that Main Street will serve the community in a positive way. Councilwoman Hansen said that until the rules change, the city needs to follow code. It is hard for the city council to compare all applications to the city code, state law and other considerations and that is why the city has an administrator. Administrator Bowersox does all the research and has given her recommendation. Councilwoman Hansen will vote according to Administrator Bowersox's recommendation. Councilman Kaelberer does not want to have more issues by passing something that does not meet requirements but he has been looking at the business climate, etc. and understands that property and/or business owners need to have the ability to have a successful business. Councilman Funke expressed his opinion that the code needs to be revisited because it is outdated but for right now the city should follow what is in black and white.

Councilman Kaelberer made a motion to the city council deny the conditional use permit at 24 S. 5<sup>th</sup>. Councilwoman Hansen seconded the motion. There were three votes in favor and one against. The motion to deny the permit passed.

Mayor Mattingly asked the council and staff to be prepared at

#### 4. Animal Ordinance – City Clerk Stegelmeier, Chief Griffel **ACTION ITEM**,

City Clerk Stegelmeier explained that the council had discussed the ordinance prior and she had been asked to make some changes and set it for consideration at this meeting. It is part of the regular code – not the development code – so there is no requirement for a public hearing. City Clerk Stegelmeier then read the revised section to the council. Councilman Funke is concerned that the ordinance is too discriminatory.

Councilman Atchley made a motion to read the City of Ashton Ordinance 486-21 by title only and dispense with the second and third readings. Councilman Kaelberer seconded the motion. Roll call vote was called. The motion passed unanimously.

Councilman Atchley read the ordinance into the record by title.

Councilman Atchley made a motion to that Ashton City Ordinance 486-21 be approved and published.

Councilwoman Hansen seconded the motion. Roll call vote was called. Councilman Funke, no; Councilman Atchley, yes; Councilwoman Hansen, yes; Councilman Kaelberer, yes. The motion passed.

#### 5. Hook-up Fee Discussion – City Clerk Stegelmeier, Deputy Clerk Warnke **ACTION ITEM**

City Clerk Stegelmeier explained that the council had received the engineer's analysis of the connection fees last month. She would like to know if they wanted to have more discussion, needed more information or if they would like to have it set for a public hearing. A public hearing is required because the raise in the connection fee will be greater than 5%. Councilman Atchley wants to set it for public hearing and make sure that citizens know it is a fee for future connections – that if they are connected and paying the base rates – there is no increased cost to them. City Clerk Stegelmeier will set the public hearing on the fee for

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the next regular meeting on November 10th.

### **6. Tractor Parade – Christine Dexter, City Clerk Stegelmeier, Chief Griffel **ACTION ITEM****

Christine Dexter is here to speak to the council about the planned Lighted Tractor Parade on December 4<sup>th</sup>. She has brought all the information including the ITD permit, insurance and map for the city. Councilman Kaelberer said it looks like they are prepared. She explained that there will also be a craft fair at the elementary school. Councilwoman Hansen asked what time it starts. Christine explained that the fair starts at 9 am and goes until 4 pm. Councilwoman Hansen asked what time the Lighted Tractor Parade starts. Christine replied that the tree lighting is at 5 pm at the pocket park and then the parade starts at 5:30 pm. Christine needs to know about the blocking off of the streets. Police Chief Griffel asked which street she was asking about as he is prepared to block Main Street as they have in the past. She explained that 5<sup>th</sup> Street had been a problem last year because Santa was there and it had not been blocked off. Chief Griffel said he would get some barricades up early but that she would need to have staff to monitor the barricades as he will be busy blocking Main Street. Christine asked if the city would be putting something in the parade. The police will let them know. Councilwoman Hansen asked how many entries they had at the last parade. Christine reported that there were 13 entries. This year there is a sort of competition going on between Valley wide and Simplot. They have talked about having an announcer but they are still finalizing their plans. The council expressed their support and appreciation of the Lighted Tractor Parade. might have some prices.

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

City Clerk Stegelmeier went over the next few months schedule with the council.

### **8. ADJOURNMENT**

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

The meeting ended at 7:41 pm.

### **NEXT MEETING**

- ◆ City Council 7:00 p.m. – Wednesday, November 10, 2021 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

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Teresa Hansen

Council President