

MINUTES–CITY OF ASHTON

SPECIAL COUNCIL MEETING

Wednesday, April 26, 2017

7:00 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

In Attendance: Teddy Stronks, Teresa Hansen, Becky Harrigfeld, Tadd Atchley and Jerry Funke.

Also in attendance: City Attorney Angell, City Clerk Stegelmeier, P&Z Administrator Tom Cluff, John Grube, Jeff Southard, Patty Litton, Rachel Hatton, Sharlene Bergeson, Michelle O'Malley, Sheryl Hill, Bill Stephens, Kurt Eidam, Michelle O'Malley, Toni Garz, David Garz, Kelli Rogers and Andrew Rogers.

Mayor Stronks opened the meeting at 5:59 pm.

1. AMEND AGENDA:

Any items added less than forty eight (48) hours prior to the meeting are added by Council motion at this time.

2. NEW BUSINESS: B. Letter for Seepage Testing – Mayor Stronks, City Clerk Stegelmeier
- C. Scheduling – City Clerk Stegelmeier

Councilwoman Harrigfeld made a motion to amend the agenda to add B and C to the New Business. Councilman Atchley seconded the motion. The motion passed unanimously.

2. NEW BUSINESS:

- A. Log Cabin Bill Owing – City Clerk Stegelmeier, Holly Chavez
Holly Chavez joined the meeting by phone. City Clerk Stegelmeier explained that Holly was at the meeting to speak to the Council about her City bill. City Clerk Stegelmeier had given the Council the information from Holly's account in the packet. Mayor Stronks asked Holly what she wanted to discuss with the Council about the bill. Holly explained that she has the Log Cabin Motel in Ashton. In the past, she has come back to town after the winter and been allowed to make arrangements allowing her to pay her past due along with her current bill through the summer. Now she hasn't been able to open. The City fees are escalating. The Council is aware of her circumstances financially. In the long run, she feels that there should be no fee during the off season for her business. She is hoping to work something out with the City Council. Holly explained some more about her circumstances and the reasons that she should not be charged the base rate through the Log Cabin off season. Councilwoman Hansen explained that all businesses and residences pay the base rate in order to pay debt and maintain the system. Holly explained that her fee is astronomical and that if she were charged as a residence that would be different. Councilwoman Hansen explained that Holly has a business with more units. Holly replied that there are typically more people in a residence than in her units. Holly expressed her opinion that it is not more usage than a house. Holly said that when she first came to Ashton the fees were low but now they are so high. The discussion went back and forth for quite a while. Councilwoman Hansen asked Holly what kind of payment she could make. Councilman Atchley asked if she could come up with half the amount. Holly said that that is way too much. She then went over the off season information again – the City is charging where no service is rendered. Holly's son Dustin got on the phone, said he is the property owner and spoke about how the County forgave many fees – in particular the landfill fee. He explained that the City is the only utility – water & sewer – charging fees when services are not rendered. Councilwoman Hansen explained the base rates and that everyone pays the base rate.

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The base rate is paid no matter what. Holly explained that the Council all know that she cannot be open in the winter. The buildings are not built for it nor are the water lines deep enough. Councilman Atchley explained that those are the concerns of the owner – the City delivers the water to the property. Holly said that as Christian people, she does not know how the City can do this to people. Holly expressed her opinion that the Council is just doing this to hurt her. Councilwoman Harrigfeld explained that she does not even know Holly and that the Council expects everyone to pay their bill. Councilman Funke said that as a property owner, Dustin should be paying the bills. He went on to explain that he has been paying the water & sewer bills for 40 years and everyone has to pay them to keep the system viable. He also explained that he is out of town 3 months out of the year and still pays it. Holly again asked the Council to lower the bill. Councilwoman Hansen said that it will not be lowered but that Holly could call City Clerk Stegelmeier to tell her if she is going to pay half of the total and make arrangements. It is simple – yes or no. Mayor Stronks told Holly that the call was ending.

Councilman Atchley directed City Clerk Stegelmeier that the Log Cabin motel bill be paid in full OR half up front and a reasonable payment plan before water is turned. Councilwoman Hansen seconded the motion. The motion carried unanimously.

B. Letter for Seepage Testing – Mayor Stronks, City Clerk Stegelmeier

City Clerk Stegelmeier explained that Keller Associates could do the seepage test for less than a contractor would do it in a bid if the Council wanted them to add it to the engineering contract.

Councilwoman Hansen made a motion to Marvin do the seepage test as part of contra. Councilman Atchley seconded the motion. The motion passed unanimously.

C. Scheduling – City Clerk Stegelmeier

City Clerk Stegelmeier explained that the City Council will need to have a public hearing on a code change next month and so they need to set a date. P&Z Administrator Cluff explained that there is not a rush. The Council agreed that they will set a meeting for May 24th.

3. OLD BUSINESS:

A. Johnson Subdivision Partial Vacation

Mayor Stronks and Councilman Atchley were excused from the meeting.

City Attorney Angell explained that the evidence has been submitted by the applicant ACH Holdings/Michael Chen. He went on to say that now it is their time to for discussion and/or debate on this application. The application will need have 2 votes for approval or denial. This is not a public hearing and he reminded them not to take comments from the gallery. City Attorney Angell explained that he is here to answer legal questions and P&Z Administrator Cluff is there to answer P&Z questions. Councilwoman Hansen expressed her opinion that each of the council members need to say what they think about the application. She asked Councilman Funke to start. He said there was a lot of testimony from the public and information from the administrator. It seemed like a bible full of things to go through. He has studied it quite a bit. Councilman Funke asked Administrator Cluff what the process would be if the Council allowed the lots to be vacated for the applicant to replat. Administrator Cluff reported that the applicant will come to the P&Z Commission with a preliminary plat where they will either be approved or denied. Then they will submit a final plat which will include a public hearing. The Commission will then make a recommendation (approval or denial) to the City Council who will also have a public hearing on the final plat. Councilman Funke then asked what would happen if the Council also denied the vacation of the lots. Administrator Cluff said that the applicant may appeal it to court or decide to just build as it is. Councilwoman Hansen is

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really concerned about following the ordinances of the City. She would like the lots to stay at 8 but wants to do what will be right for the City. Councilwoman Harrigfeld explained that she listened to Andrew Rogers and the others that talked about traffic in the area. She can see that the traffic would be bad at times but she does not think that vacating that street would make any difference and keeping it may help with traffic. Councilwoman Harrigfeld went on to explain that that part of town has bigger lots – in her part of town it seems much more crowded so she likes the idea of keeping the 8 lots. Councilman Funke wants to leave 1st Street as is and open – he then asked if that is what Councilwomen Hansen and Harrigfeld are thinking too. He is concerned about an access being blocked. He also expressed concern over the water line in the area thinking maybe the City should discuss solutions with the developer. He said he thinks the original developer had the courage to make the lots a good size and like Councilwoman Harrigfeld explained before everyone wants more room around their home. City Attorney Angell encouraged the Council to continue the discussion as there are more reasons needed for the Findings of Facts. The P&Z Commission made their recommendation on the Comprehensive Plan but that has been proven problematic for other Cities in the past. Councilwoman Hansen explained concern in diminishing the Commission’s decision. She wonders what would sell – larger lots or smaller lots. City Attorney Angell said that maybe it is speculation. He has a concern that they might want to reconfigure and to do that may require this vacation of lots. Maybe the Council should be willing to let them design some ideas. A developer who is listening to this discussion may be understanding that the Council would be against approving more than 8 lots. Councilman Funke said that they will still have to start at square one in the process. City Attorney Angell then explained that the process will let people come in and talk about everything giving more comments. Councilman Funke expressed the need for more growth in Ashton. Councilwoman Hansen explained that if they really wanted to stop it from coming – they really couldn’t anyway. There was a lot of hoopla about the Family Dollar and they have turned out to be a good addition to the City. Some are judging this project by tourists in the past. The developer has bought the land and he has rights. She feels that we need to follow the code. She wants what is best for the City. Councilwoman Harrigfeld said that they need to look at it from all sides and apply the law (code). City Attorney Angell said that the case cited in the Administrator’s report makes it very clear that the zoning ordinance trumps the comprehensive plan. Councilman Funke asked Administrator Cluff if the Council can deny the vacation of the lots. Tom replied that the code does not give the Council any way to deny. Once you have the rules then you have to decide. Some applications, like a zone or development rule change that is when you apply the Comprehensive Plan. On this application you have to evaluate them on the development code. You can’t the Comp Plan to get around the Development Code because the Comp Plan is not specific enough. City Attorney Angell said in looking at other cases they have all gone back to property owners right to use property. He struggles to come up what reasons you would have to deny vacation of the lots. The road vacation is a good example of clear solid reasons (public safety, traffic circulation) for denial.

Councilman Funke made a motion that the City that 1st Street remain a street – to deny the vacation of 1st Street. Councilwoman Harrigfeld seconded the motion. The motion passed unanimously.

Councilwoman Hansen made a motion that the City allow the vacation of the 8 lots as requested in the Johnson subdivision. Councilwoman Harrigfeld seconded the motion. The motion passed unanimously.

City Attorney Angell will prepare a written Findings of Fact and Conclusion of Law. The Councilmembers will need to come into the City Building to sign it after City Clerk Stegelmeier receives it.

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4. ADJOURNMENT:

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

NEXT MEETING

- ◆ Regular Council 7:00 p.m. – Wednesday, May 10, 2017, Council Chambers. 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.

Attest

Cathy Stegelmeier
City Clerk

Theo R. Stronks
Mayor