

# MINUTES–CITY OF ASHTON

## SPECIAL COUNCIL MEETING

Wednesday, June 15, 2021

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.*

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**Due to the COVID-19 pandemic: Please do not attend the meeting if you feel sick or have been around those who have been sick.**

**PRAYER OFFERED BY: Teresa Hansen**

**CALL TO ORDER & WELCOME**

**PLEDGE LED BY: John Kaelberer**

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

**Also, in attendance:** City Clerk Stegelmeier, Chief Griffel, City Attorney Angell, P&Z Administrator Bowersox, Deputy Clerk Warnke, Detective Owens, Rick Miller, Andrew Rogers, Teddy Stronks, 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 Regular 5-11-2022, Special 4-27-2022, 6-1-2022
- 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 Scafe 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.*

### **2. ORDINANCES/RESOLUTIONS:**

- A. **City of Ashton Ordinance 491-22 – 5.08.040 A Council Meeting Time Amendment**  
– City Clerk **ACTION ITEM**

Councilwoman Kaelberer made a motion to read the City of Ashton Ordinance 491-22 by title only and dispense with the second and third readings. Councilwoman Hansen seconded the motion. Roll call vote was called. The motion passed unanimously.

Councilwoman Hansen read the ordinance into the record by title.

Councilman Kaelberer made a motion to that Ashton City Ordinance 491-22 be approved and published. Councilwoman Hansen seconded the motion. Roll call vote was called. Councilman Kaelberer, aye; Councilwoman Hansen, aye; Councilman Scafe, aye; and Councilman Funke, nay. The motion passed.

### **3. ITD Presentation on Ashton to HWY 87 – ACTION ITEM**

Micah Brown from ITD is here to give the City Council and update on the status of the PEL Study on the Ashton to Hwy 87 project. He explained that the Council may remember that a public meeting was held in May. The meeting was well attended with 140 attendees and 106 comments. The PEL Study is not entering Level 3 with them starting to quantify numbers from the input. They then will hold a Level 3 screening.

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They are hoping to wrap that up July 26 or so. They will then be back in the end of July or early August. That is when they will have the final numbers to show what will work for the project. Councilwoman Hansen asked some questions on the process. Mayor Mattingly explained that he has appreciated being able to provide input and thanked Micah for his time.

#### **4. ITD Presentation of the Chester to Ashton Project - ACTION ITEM**

Curtis Calderwood is here from the ITD to discuss the Chester to Ashton project. The project is still in the process of completing the environmental study that is required by the Federal Highway department and the Army Corps of Engineers. They are hoping to have public meeting in October. They are still treading along and reviewing everything. Councilwoman Hansen asked if they need help from the City. They do not, it is just a process that takes some time. Mr. Calderwood then updated the Council on the construction of the light at the intersection of Hwy 20 and 47 in Ashton and the overlay project on HWY 47 east of Ashton. Both projects are now slated to start on July 6<sup>th</sup>. The traffic light contractor is HK Construction and construction is scheduled to take 88 days. The contractor will be maintaining one lane of traffic for both North and South bound drivers. The overlay project contractor is DePatco and it should take 3 weeks. Starting at the edge of Ashton there will be a milled portion though the high school property then the rest is an overlay. Councilman Kaelberer thanked them for the work they have completed from Chester to Ashton. Councilwoman Hansen said it has really been nice. Councilman Scafe asked if the Chester to Ashton project is still on schedule. Curtis said they are looking at construction in 2024 on south end. They are finishing up the environmental studies.

#### **5. Rumsey Final Plat – Administrator Bowersox, Wade Rumsey, Terry Vance ACTION ITEM**

Mr. Rumsey is here to show the Council his final plat. The last time he was at Council, the variance that he had applied for was denied. They have made that adjustment in the drawings and added more town homes. He went on to say that in the Ashton City Code 17.52b.010 lists what needs to be shown on the plat. That has been reviewed by the city engineer. They have made all the adjustments and changes from that review. There is going to be two phases. The first phase will be the build out on 4<sup>th</sup> Street then phase two will be 5<sup>th</sup> Street. The engineer has also looked at the additional townhomes and whether that changes the outcome of the large-scale development study. The finer details of the developer's improvement plan is being completed. The final plat is here for approval today and the development agreement with final things to be ironed out will come in a later meeting. Councilman Scafe asked about the south section of the plat and whether the sewer lines have been worked out. Mr. Rumsey explained that the civil engineering plans have been completed and there will be some fill on the north east side but other than that all the calculations worked. Councilman Scafe asked where the fire hydrants were located. They discussed the location of the hydrants. Administrator Bowersox explained that both the North Fremont Fire Chief, Andrew Rogers and the Ashton Police Chief, Greg Griffel have looked over the plans and see no issues. Councilman Funke asked if they will be putting the sewer in the streets before the construction of the town homes. Mr. Rumsey explained that the Phase I will begin with the infrastructure, then townhomes. As soon as Phase I is built out enough then they will start of the infrastructure then townhomes in Phase II. Councilman Scafe asked if about storm water and the neighbors. Mr. Rumsey asked if that was the north neighbor. Councilman Kaelberer said to make sure no grade making sure that the runoff stays on their property. That area will be raised up and are planning to make sure that the swells will retain the storm water/snow melt.

Administrator Bowersox explained that the City has received the plat and the plans from Mr. Rumsey and Mr. Vance. The City engineers have looked over the plans and made some suggested corrections and improvements which have been completed. The project is now a two-phase project and we are working out the details of the development agreement which will manage this project. On the plat that they have detailed the specifications and everything according to code. Again, the City engineers have approved everything on the plat. Administrator Bowersox explained that based on all the reviews by engineers and

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others like the Fire Chief that the final plat is ready for approval. There are a couple of things that need to be finalized prior to it being filed with Fremont County – the most critical being the Rocky Mountain Power and Blackfoot Communications utility placement. Those two utility companies will not work on the placement until the final plat is approved. Following the addition of that information and details the plat will be filed with the county. She is now working with the developers on the development agreement. On the 12-page set (final plat) that the Council is reviewing, page 2 goes through the details of their project plan and page 3 has space for testing, inspections and approvals. Details of the sewer roads are further back in the plat. Councilman Kaelberer asked about the building close to the line. He asked where the negotiations are on that. Mr. Rumsey said they are working around it and Councilman Scafe said it is marked out on the plat. Mr. Rumsey wants to be a good neighbor. Administrator Bowersox explained also that the large-scale development study has been updated. Everything is covered and there is no appreciable difference in the result of the study based on the final plat versus the preliminary plat. Mr. Rumsey asked to make one more comment. He said that they want to discuss the 4<sup>th</sup> Street property from their boundary to the current Spruce Street. There are a lot of trucks, etc. parked there which will need to move in order for them to begin. Mayor Mattingly said that the Chief will speak with them.

Councilwoman Hansen made a motion to approve the final plat. Councilman Kaelberer seconded the motion. Mayor Mattingly called for a roll call vote. Councilman Funke, Aye; Councilman Scafe, Aye; Councilwoman Hansen, Aye; Councilman Kaelberer, Aye. The motion carried unanimously.

### **6. Building at 513 Main – Teddy Stronks, City Clerk Stegelmeier *ACTION ITEM***

City Clerk Stegelmeier reminded the Council of a building on Main Street that has fallen down. The Council has been aware of it and have been waiting for the property owner to clean it up. City Clerk Stegelmeier explained that Teddy Stronks' building sits in front of the building in question and has been concerned about it. Police Chief Griffel has notified City Clerk Stegelmeier as per code that it is a dangerous building and a nuisance. City Clerk Stegelmeier then spoke with City Attorney Angell and sent a letter giving him 10 days before notice of abatement hearing would be issued. After not hearing back or seeing any work done, City Clerk Stegelmeier sent the notice of abatement hearing. The hearing will be at the July 13<sup>th</sup> City Council meeting. If the Council decides to abate the nuisance – that means the City will go in and clean it up. The City will pay for that but will be able to put the cost as a special lien on the property. She explained that Teddy Stronks had gotten some bids on cleaning up the building as he is hoping to get it completed as it is affecting his building. He needs to get the building cleaned up so that he can have heat, etc. for the winter in his building. Mayor Mattingly said we are starting to work forward. City Attorney Angell asked if the City has heard from the property owner at all. City Clerk Stegelmeier said there has been no written or other communication from the property owner. On the 13<sup>th</sup> the Council would issue an order of abatement. If he has not done anything for 10 days following the order then the City can go on the property and do the work. Councilman Kaelberer asked about the liability of the City if it causes damage to any of the surrounding buildings. There was some discussion on the structure. City Attorney Angell explained that if the City Council would rather, they could cite them for criminal charges for failing to abate the nuisance himself. That may be something the Council would like to entertain.

### **7. Wastewater Project Grant Admin Contract – Rick Miller *ACTION ITEM***

Rick Miller is here to talk about the wastewater screen project. The DEQ has approved full funding on the project. Only a handful of the applicants received full funding. The City will not need to go to judicial confirmation or bond election as this will be a full grant. The DEQ has required that the facility planning study has to be done by October 31<sup>st</sup>. He thinks some of the reasons that the City's application was approved was that we were ready for design and that the block grant had already been awarded. Rick is here tonight to finalize the contract with his company for grant administration. The total cost of the grant administration with the contract is \$68,000. City Clerk Stegelmeier Rick to give the City a price break so that the City could replace more sewer lines. Rick explained that they have tried to keep low as possible he has

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reduced those items down to minimum for both funding agencies. Their costs have gone up with fuel and labor. Rick asked Marvin Fielding about design. Marvin explained that he will bring back their contract for the next City Council. They are hoping to do a spring bid. It would be great to get going in the spring so that it can be complete by October.

Councilwoman Hansen made a motion to approve the contract with Altura (the former Development Company) on the wastewater project. Councilman Kaelberer seconded the motion. The motion passed unanimously.

### **8. Railroad Avenue Project – City Clerk Stegelmeier, Marvin Fielding *ACTION ITEM***

City Clerk Stegelmeier reported that the Ashton Urban Renewal Agency will pay for the overrun on the project. The Council has the summary of the costs in the packets. Teddy Stronks is also here to talk about the AURA will help with the project. The Council told Teddy to tell the committee thank you for going with the overrun. Even with the additional money from urban renewal district there would be approximately \$27,000 to complete the whole project as bid. Mayor Mattingly is concerned about the project going into the fall with grain harvest, etc. Marvin said that the contractor is aware of the harvest and will be trying to avoid working through it. The hard deadline is October for the LRIP grant. Councilman Funke went over the budget with Marvin. He is concerned about all the tax money that will be wasted on the project. He thinks \$398,000 is too much for the project. Councilman Scafe explained that it has been a long time trying to get the project done. Councilman Funke said that at that price the City doesn't need to get it done – he doesn't think it is necessary now that most of the Reinke business has moved out to the other elevators. They discussed the work on the street north past Reinke's building. Councilman Kaelberer said he thinks that it will be more expensive down the road and the City would lose the \$95,000 LRIP grant. He also explained that the City has already put money into design. Councilman Scafe said it would like nice to beautify the City. Also – Dr. Toenjes has donated property for the project. The storm drain will also be an improvement and the snow removal will be easier too. Councilman Funke said the project started out at a \$95,000 project and it has ballooned into a \$398,000 project. He thinks that the City should just spend the \$95,000 grant and be done. Councilwoman Hansen asked City Clerk Stegelmeier's opinion. City Clerk Stegelmeier said her concern is that there are people are hoping that the City will complete the project but the costs have gone up so far. It is a hard decision. Marvin said he would ask DL Beck if the project could be scaled back – maybe to do less asphalt to make the project fit within the \$95,000 that the City had in grant. Councilman Scafe asked about whether AURA will be able to fund the total to the alley. City Clerk Stegelmeier said that AURA can't pay it all at once – the City will have to use savings and then be reimbursed by AURA for the next couple of years. Councilman Funke said that it won't be long before the City needs a new well and he thinks there are other necessities than a fancy street.

Councilwoman Hansen make a motion to approve the bid from DL Beck but scale it back so that the \$95,000 grant will cover it with no additional money from the City. Councilman Funke seconded the motion. The motion passed unanimously.

### **9. Sign Safety Project – City Clerk Stegelmeier, Marvin Fielding *ACTION ITEM***

Marvin explained that the ITD requires that the bidding go through their process and they only allow so many bid openings per month. This project will go out to bid on July 12<sup>th</sup>. Councilman Funke asked Marvin to refresh them on the project. Marvin explained that this is the project for \$250,000 grant to replace all the safety signs in town. Right now, the City's signs don't meet sign standards. Councilman Kaelberer said that it is a liability if they are not to federal regulation. Councilwoman Hansen said it has been a long time. The City has a 7% match and the City has signed the agreement.

### **10. Other Projects 2022 – City Clerk Stegelmeier, Marvin Fielding *ACTION ITEM***

City Clerk Stegelmeier explained that she has been notified by Kathy Muir with the Idaho Department of Parks & Rec that the National Park Service is requiring that the City produce a professional map to finalize the Multi-purpose Court grant. She had spoken to Marvin to ask if they could do the map. They already

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have worked at the park and it would be less expensive. The bid is for time and materials. It will be \$1,200 to prepare the map. Councilman Funke asked if a google map would work. City Clerk Stegelmeier said she tried the google map and that is how she got this email. The asphalt will also have to be done as well as the map.

Councilman Funke motion to have Keller Associates produce map of the City Park for the National Park Service. Councilwoman Hansen seconded the motion. The motion passed unanimously.

City Clerk Stegelmeier asked the Council if they would like get started on a water connection fee study. A wastewater connection fee has already been completed. As part of the Water Protection Plan for the City they have talked about doing a water connection fee study. It would cost between \$5,000 to \$6,000. It is a study to see if new customers are paying enough to hook up to the City services. The Council would like to wait until next month to discuss it.

Marvin explained that the City was approved for a drinking water study grant through the DEQ. Marvin explained that the DEQ approved all of water study requests. The City may need to require Requests for Proposals. Finalizing a study will make the City eligible for grants and/or loans if a well is needed.

### **11.Fencing at the Lagoon – City Clerk Stegelmeier, Brett Griffel **ACTION ITEM****

City Clerk Stegelmeier explained that Councilman Funke had talked with Brett about hiring someone to fence the wastewater area. The City already has the materials. The bid Brett got is from a business in Rexburg. Councilman Funke said it is a little over a mile of fence. He explained that he thinks the Nielsons should be maintaining the fence. They are their cows. The Council asked City Clerk Stegelmeier to see if the Nielsons and the City could work on sharing costs.

### **12.Budget Discussion – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier said there are more items in the packet for the budget. She will have budget worksheets in the next packet for the Council and there will need to be a special meeting in July. Councilman Funke expressed his opinion that with inflation at 8.5% there will need to be a cost-of-living increase for the permanent employees. Mayor Mattingly thinks that would be greatly appreciated.

### **13.Pool Discussion – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier explained that the pool is opening with supervisor and 4 employees. There will be no lifeguards on duty so there is a limit of 35 people in the pool and anyone under the age of 18 has to have an adult in the pool with them. Because there are few employees, Monday the pool will be closed so that there are not too many hours for the employees. Talked about the new signs and the increase in wages. We discussed the problem with the AIC and there is a nationwide lifeguard shortage so it is not just the Ashton City Pool.

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

City Clerk Stegelmeier went through the Council's tentative schedule with them. There is a photo of the June Yard of the Month that has been awarded. They discussed the Eagle Rock Timber decision. The Council thanked City Attorney Angell and Marvin Fielding for their help with the case. There are also the minutes from the AURA meeting in the packet. They discussed the 4<sup>th</sup> of July parade. The July 6<sup>th</sup> meeting has been cancelled. The ITD stop light project public meetings will start the week prior to the project beginning.

### **15.Executive Session – City Attorney Angell **ACTION ITEM****

1.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 City of Ashton to discuss legal ramifications of and legal options for pending litigation.**

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Councilwoman Hansen made a motion to enter executive session. Councilman Funke 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 7:38 pm.

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

The Council exited Executive Session at 7:50 pm

### **16.ADJOURNMENT**

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

The meeting ended at 7:50 pm.

### **NEXT MEETING**

- ◆ City Council/P&Z 6:00 p.m. – Wednesday, July 6, 2022 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ Regular City Council 6:00 p.m. – Wednesday, July 13, 2022 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

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Cathy Stegelmeier  
City Clerk

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Tom Mattingly  
Mayor