

MINUTES–CITY OF ASHTON

SPECIAL CITY COUNCIL MEETING

Tuesday, September 29, 2015

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

PRAYER OFFERED BY: Tadd Atchley
PLEDGE LED BY: Teddy Stronks

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

Also in attendance: City Clerk Stegelmeier, City Attorney Lookabaugh, Kent Fisher and Gayle Fisher.

Mayor Stronks opened the meeting at 7:03 pm.

1. NEW BUSINESS:

- A. Utility Billing at 507 Main Street – City Clerk Stegelmeier, Deputy Clerk Warnke, Kent Fisher
Mayor Stronks explained that he has called this meeting to discuss a water bill that has been certified to the tax bill of Kent Fisher on the vacant lot on the corner by 511 Main. He said Kent became aware of the lien because the Ashton Urban Renewal Agency has been looking to buy the property for a project. Mayor Stronks invited Mr. Fisher to talk to the Council about the bill. Mr. Fisher asked if the Council had a chance to look at the meter and property. Mayor Stronks said they hadn't but that the City Clerk had taken photos and directed her to give Mr. Fisher a copy of the packet materials. Mr. Fisher explained that he originally bought three lots (lots 7, 8 & 9). Right after he purchased the lots, he sold lot 9 to Ron Atchley although Mr. Atchley did not want the deed at that time. Later Mr. Atchley finalized the paperwork and then sold that lot to the Comstocks. There was a time then that Lucky (Atchley) and Gayle would pay the water bill but they really had no way to get water because there was no water line hooked up to the meter. He directed the Council to the photo of the meters and explained that his meter is the one on the left. The one on the right actually serves 511 Main. Mr. Fisher said that he had spoken to Ricky who had told him there hasn't been a meter there for as long as he can remember. City Clerk Stegelmeier explained that it is untrue that there has not been a meter. Mr. Fisher said that he was telling the truth. City Clerk Stegelmeier explained that she just thought that Ricky misunderstood the question, she was not accusing Mr. Fisher of an untruth. She went on to say that the meter was taken out following the Council's direction in October of 2014. Mr. Fisher said that there has never been any water run to his lots, there has been no pipe to run any water. Councilwoman Hansen explained that there is still a base rate on every connection even if there is no water use. She explained that when she and her husband owned a business on Main Street, they decided to close the business. They ended up paying the base rate – even though the building was winterized with no water use. City Clerk Stegelmeier explained that when getting a bond – which is basically a loan for the City – the way the City promises or shows repayment is that they agree to charge a base rate per service. The only way to avoid that rate is to have the service removed and the Fishers received letters asking if they wanted the service removed. Gayle explained that she did ask that the service be removed but that she asked for removal when Elaine Olsen was the City Clerk. City Attorney Lookabaugh pointed out to the Mayor that the City Council has the authority to forgive this bill if they choose if it is for the public good that it is being forgiven. They do not have that same ability if it is just for a private

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person. The Council may think that if the Urban Renewal Agency will be making a park or parking lot that will be for the public good that such a bill be forgiven. They do have a lien that has been perfected and will hold up in Court. The Court may decide on less than the total applied but something would have to be paid. Councilman Atchley asked if this lien was the hold up in the sale. Mr. Fisher explained that he has a partner and the partner will not sell if this lien stays on the property. Councilman Atchley is concerned because the Council has just discussed the old hospital property and did not forgive that lien. City Attorney Lookabaugh said that that would be for a private individual – not for the public good. Councilman Atchley inquired of the Mayor what the Urban Renewal is planning. Mayor Stronks said that they are planning to make improvements making it a park and parking lot – then giving it to the City to maintain. Councilwoman Hansen apologized to the Fishers but explained that she feels that the law should be followed and the lien upheld. Councilman Atchley said that he feels that any forgiveness should be contingent on a sale to the Urban Renewal Agency and is willing to make that deal. Councilwoman Hansen asked if we could compromise and the Fishers pay some. Mr. Fisher offered to pay \$1000 but it would be out of his pocket, not through the sale. Councilman Atchley would be happy with that compromise. Councilwoman Harrigfeld explained that she is leaning towards forgiving the bill as it will benefit the City. It will be a park and serve the City.

Councilman Atchley made a motion to waive water bill with the contingency that in order for it to be waived, the lot has to be sold to the Ashton Urban Renewal Agency. Councilwoman Harrigfeld seconded the motion. Councilman Atchley – aye, Councilwoman Hansen – nay, Councilwoman Harrigfeld – aye. The motion passed with a vote of 2 to 1.

2. ADJOURNMENT

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

NEXT MEETING

- ◆ Regular Council 7:00 p.m. – Wednesday, October 14, 2015, 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.

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

Cathy Stegelmeier
City Clerk

Theo R. Stronks
Mayor