

MINUTES–CITY OF ASHTON

SPECIAL CITY COUNCIL MEETING

Wednesday, September 29, 2021

7:00 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.*

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.

CALL TO ORDER & WELCOME

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

Also, in attendance: City Clerk Stegelmeier, City Attorney Angell, Deputy Clerk Warnke, Detective Owens, Brett Griffel, Rick Miller, John Scafe, Lisa Smith and Sheryl Hill.

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

Mayor Mattingly explained that there has been a mistake on the agenda and he would like to entertain a motion to add **ACTION ITEM** to agenda item 1. Liquor License.

Councilman Atchley made a motion to add **ACTION ITEM** to agenda item 1. Liquor License. Councilwoman Hansen seconded the motion. The motion passed unanimously.

1. LIQUOR LICENSE: **ACTION ITEM**

City Clerk Stegelmeier explained that Family Dollar has completed the application including the state and county licenses but payment has not been received. She asked the Council if they would approve the license contingent upon the receipt of payment.

Councilman Atchley made a motion to approve the Family Dollar liquor license contingent upon receipt of payment. Councilman Kaelberer seconded the motion. The motion passed unanimously.

2. SEWER HEADWORKS DISCUSSION:

Rick Miller came to Council to solidify the decision of the city to apply for a grant for the project that was discussed last month. He and Marvin met with City Clerk Stegelmeier, Water Supervisor Martindale and Sewer Supervisor Griffel to confirm the need for the application. The issue is being able to comply with the standards for disinfection in the effluent. In completing the grant application, he will need to include how the city intends to provide match for the project. Judicial confirmation was discussed. To bond or borrow money, a city has either have a vote of the citizens with a 66% approval OR show evidence to a judge that the bond is ordinary and necessary. Councilman Atchley expressed his thought that he would like a vote instead of judicial confirmation. Councilman Kaelberer agreed. Councilman Funke asked which costs more to which Rick explained that the attorney costs are almost the same but that a judicial confirmation would be faster so construction could be delayed. City Clerk Stegelmeier explained that maybe the process of grant application leading to design, etc. sooner could go on with the Council agreeing that they would be willing use savings as match. Then go to bond election in May to see if the customers would approve the bond. Rick said then in the addendum to the grant application he would update the match information.

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Councilman Atchley said that he feels like a vote is needed. If it doesn't pass then the city would use the cash. Rick said he would prepare the application with city committing the cash. Then we will start working on a bond election for May. Marvin will work on getting the project on the priority list with the DEQ. A DEQ loan would include loan forgiveness so that is the first option. Rick will also check with USDA and on a grant with the Corps of Engineers. With the sewer user rates where they are at the city application will be very competitive. Also – by the time the bond election is over the we will know a little more about what kind of funds and interest rates are available.

3. SEWER HOOK UP FEES DISCUSSION

City Clerk Stegelmeier explained that Deputy Clerk Warnke had spoken with Marvin at Keller Associates about the sewer connection fees coming up to date as they have not been changed in 10+ years. Keller Associates has had another engineer, Jaden Jackson, go through the rates and prepare a study. The study shows that that the connection fee should be tied to the Equivalent Dwelling Unit (EDU) chart used by the city. For each EDU the connection fee should be \$2,477. Councilman Funke asked about the list of customers attached in the appendix as it is not up to date. Deputy Clerk Warnke said that the names may have changed on some of the accounts from when the study began but that the number of EDUs has not had much change. City Clerk Stegelmeier explained that the connection fee now is \$500 for residential and \$1000 for commercial. The tie-in with the EDU chart makes the fee fairer too as the EDU chart takes into account the many types of sewer users. Councilwoman Hansen asked about what other cities charge. City Clerk Stegelmeier included a copy of the Schiess local list of city fees to the Council so they can see what other cities charge for connection. The council will it more at the October regular meeting.

4. P&Z AGENDA

City P&Z Administrator Bowersox went through the P&Z agenda with the Council. She explained that there hasn't been a lot of projects completed since her last report but there are now 3 or 4 sheds and some fences. The only one needing a building permit was the new shed at the Flea Market. There are no special stats to talk about.

P&Z Administrator Bowersox explained that she would like to discuss mobile home parks. As the Council knows, last fall there was a fire at one of the mobile home parks. As she started looking into the code, she found that the trailers that are there now are too close together. She explained that as trailers move out or in – the park will need to come up to code. She thinks there will need to be a meeting with the owners of the mobile home parks to help them to understand the code. The existing structures are alright but any changes will have to be built within what is there now. Councilman Kaelberer is concerned about fire and worried about the safety of the residents. A letter from the State Fire Marshall was discussed. The property owners need to know that if there are changes, they will need to adhere to code.

P&Z Administrator Bowersox has been studying the Impact Area and in particular the zoning along state HWY 32 and 47. She is thinking that it would make more sense to change the zoning in that area to commercial OR community core. Right now, it is low density residential. It makes sense to have some commercial along those highways. Also, the Idaho Transportation Department discourages new driveways and having those frontage properties as commercial would make more sense. Councilman Atchley asked how large is the city's area of impact. Administrator Bowersox said it is a mile outside of town. She went on to talk about speaking with Tom Cluff who said that storage units are a good stepping stone. She will be starting to get the process started and then get back with the Council. It is not a quick process so people will have time to discuss it, etc.

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Administrator Bowersox wanted to also discuss site specific public hearings. The number one thing to remember that cannot have site specific discussions with anyone outside City Council. Council members may speak or ask questions of staff but cannot have conversation with the general public. Councilmembers need to realize that if you have any of those conversations that you will have to excuse themselves from the council deliberations. Administrator Bowersox also wants them to understand that planning and zoning hearings can get very emotional. People may pound on podium. When have public hearings – they will throw emotion at it. The Council’s decision is not about whether you like the idea or a count of the people for or against the application. Everything has to be weighed against the code. A code cannot be written that will make everyone happy but adhering to the code makes it fair. The weight is with the code. Also – the Council does not have to make the decision on the spot. You have 60 days to make decision. The applicant will be pressuring them. Please take time and make a reasoned decision.

Administrator Bowersox then spoke about the general standards for a conditional use permit. There is a list of possible uses for every zone except highway commercial zone but just because it is on the list doesn’t mean a permit is automatically approved. The use has to be harmonious with the comprehensive plan and the code. A permit should not be granted if the permit is not supported by the comprehensive plan. Even if a permit is granted the applicant will need to adhere to the setbacks and parking limits. In the city’s comprehensive plan, the plan was to have a defined downtown with businesses to help with the needs of the citizens. In Sara’s reading of the plan and the code – turning a formally commercial building in town into a residence does not adhere to the code but it may as an accessory use. For example, an apartment above a shop or behind a shop. The development code only allows second floor residential use. Administrator Bowersox put a report in the packet giving the Council a snapshot of what is in the code and in the comprehensive plan to use in your consideration of conditional permits. She has also given them a list of questions that they may want to ask an applicant.

Administrator Bowersox explained that in the next few weeks there will have been quite a few planning and zoning meetings. There are also several semi big projects coming through that they may have to meet on later in the year. Councilman Funke asked if conditional use permits are transferrable. Administrator Bowersox explained that the last permit was made with the stipulation that it was not transferrable but the code says that the permit stays with the property if it stays the same use so there is a little conflict. Mayor Mattingly thanked Administrator Bowersox and asked if she could stay to meet with him after the executive session.

5. Executive Session – City Attorney Angell

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.

(a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

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 Atchley, aye; Councilman Kaelberer, aye. The motion passed.

The Council entered Executive Session at 7:58 pm.

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

The Council exited Executive Session at 8:14 pm

Mayor Mattingly asked Administrator Bowersox to come back in for a question from the Council. Councilman Funke asked how Billy Stronks has been allowed to build his landscaping project on city property near his

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residence. Administrator Bowersox explained that landscaping does not require a permit. She also explained that Billy and Katherine have some argument from the property line from a survey. Councilman Funke says that the street department will knock it down while they plow making it a potential problem. Mayor Mattingly asked Administrator Bowersox to take a look at it and report what can be done. He thinks that the city may have to have it surveyed.

Councilman Atchley brought up the need for an alley behind his property. He is thinking that the city should try to work with the developer to reserve an alley when development happens.

6. ADJOURNMENT

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

The meeting ended at 8:25 pm.

NEXT MEETING

- ◆ Public Hearing 7:00 p.m. – Wednesday, October 6, 2021 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ City Council 7:00 p.m. – Wednesday, October 13, 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

Tom Mattingly
Mayor