

MINUTES–CITY OF ASHTON

REGULAR COUNCIL MEETING

Wednesday, January 11, 2023

6:00 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. Questions concerning items appearing on this Agenda 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*

PRAYER OFFERED BY: Tom Mattingly
CALL TO ORDER & WELCOME
PLEDGE LED BY: John Scafe

In Attendance: Tom Mattingly, Teresa Hansen, John Scafe, Jerry Funke and John Kaelberer.
Also, in attendance: City Clerk Stegelmeier, City Attorney Angell, Chief Griffel, Nate Finley, Susan Sullivan, Sullivan, Abby Rossman, 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 11-09-2022, Minutes 12-14-2022
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilman Funke made a motion to approve the Consent Agenda as presented. Councilman Kaelberer 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.

1. **City of Ashton Ordinance 496-23 – Barking Dogs – Chief Griffel, City Clerk Stegelmeier** **ACTION ITEM**

Councilman Kaelberer made a motion to read the City of Ashton Ordinance 496-23 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.

Councilman Kaelberer read the ordinance into the record by title.

Councilman Kaelberer made a motion to that Ashton City Ordinance 496-23 be approved and published. Councilwoman Hansen seconded the motion. Roll call vote was called. The motion passed unanimously.

2. **City of Ashton Resolution 23-01 – Water Study Signature – City Clerk Stegelmeier** **ACTION ITEM**

City Clerk Stegelmeier explained that this is an ordinance required by the Idaho Department of Commerce adding to the grant information that the Mayor will be the person who signs documents for the grant.

Councilwoman Hansen made a motion to approve the Consent Agenda as presented. Councilman Funke seconded the motion. The motion passed unanimously.

3. **Drafts for Review - City of Ashton Ordinance 497-23 and 498-23 – Chief Griffel, City Clerk Stegelmeier** **ACTION ITEM**

City Clerk Stegelmeier explained proposed ordinance 497-23 is an ordinance limiting anyone parking on the

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actual street surface. There has been some problems with parking and this will give the police a way to charge them with a fine. The fine will be not less than \$50 but not more than \$100. This ordinance will require a public hearing because there is a fee involved. Ordinance 498-23 has been brought to our attention because when the police were looking into the parking stuff they found that the general penalties part of the code did not include penalties for infractions even though infractions were listed in the ordinances. This will update that section to make it usable. It lists \$50 for the first violation and \$100 for the second. It will also require a public hearing. City Clerk Stegelmeier could set public hearings for next month if so directed. Mayor Mattingly asked if Chief Griffel wanted to add anything. Chief Griffel said that on the infraction penalty – the third violation will be a misdemeanor and trigger those penalties. Councilman Funke explained that he had discussed with Chief Griffel that if there was a block who would want a party or need to use the street there would be a way to get a permit. If it is a big event, they can block the street. Mayor Mattingly said to put the public hearings on the agenda for public hearing next month.

4. Chamber ITD Letter Request – Rachel Hatton

Rachel Hatton is here to speak to the Council and brought some papers that she passed out to the Mayor & Council. Rachel said that after watching the effects of last summer with the stop light. Then attending the ITD information meetings in December. They at the chamber are concerned about the economic effect all this is having on businesses and the community here in Ashton. Especially this last summer when as soon as the cones went up on July 6th many of them felt the pain. It is there job as the Chamber of Commerce to look out for the businesses and help promote them in Ashton. Then going to the ITD meeting in December and learning what they are proposing they are going to do through here – it is a little disconcerting to them. First off, she has just returned from Boise for some of the Republican Party state meetings. She represents Fremont County in a position. At that meeting, her group presented the resolution that she has given the Council. She has brought the resolution to the Chamber of Commerce also and they are going to just change the words from 'Idaho Republican Party' to 'Ashton Area Chamber of Commerce' in opposition to the four lane highway in the Island Park Caldera. She is coming to the City Council to see if this is something that they would be willing to join them in this endeavor. Mayor Mattingly asked if she would like them to have an opinion up into Island Park. She said that she does because the road doesn't just stop there at the hill. The other thing is that the PEL study that the ITD is in the middle of doing and seeing what happened last summer with the construction and all, with the businesses and all. She would like to request a study of an economic impact with ITD as they are proposing their Ashton to State Highway 87 project. She wrote up a rough draft letter which she has presented to the Council. It is a rough draft but she was hoping that they could all look it over and eventually get something they could all agree on and work together as a chamber and a city in looking out for the community and the businesses thereof. Mayor Mattingly said the meetings have been going on for a while. He has been attending the meetings. Rachel asked what the Mayor's and the Council's position is on moving the highway out west of town as opposed to going through. Because as a chamber, they are not in favor of that. The Mayor explained that this is why the chamber members should have been going to the meetings to learn more about it. There were invitations out there. Rachel said she would have been at some of the meetings had she known about them. Mayor Mattingly asked the council what they would want to do. Mayor Mattingly suggested that she give them time to look through the information she brought. Rachel said that it is better when they work together than when they don't. She hopes that everyone will be in the thought that we all need to be on the same page when it comes to the community and businesses. There are six businesses right now for sale down Main Street and they hope to not lose more. Mayor Mattingly said there have been a lot of studies done for this and there are a lot of information on the ITD website. Mayor Mattingly is unsure whether an economic study has been or not. Rachel replied that she can tell him that is has not been done. She feels that an economic study would be beneficial for the City as well as the chamber. She would like to combine efforts to request that study before much more happens. Mayor Mattingly said the Council would look at it and get something to the

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Chamber. He then asked for a date to get it out to the Chamber. The chamber meets Thursday the 19th so if the City got them something by Tuesday then it would be great. She is hoping we can work together on this. Councilwoman Hansen asked how many businesses are on the Chamber. Rachel said there are 75 Chamber members but 3 to 5 that show up for the meetings. Mayor Mattingly thanked Rachel.

5. Citizen Requested Input – Sheryl Hill

Sheryl is here to talk to the Council. Sheryl thanked the Mayor for time at the meeting. She said that the Council has the information she had submitted for the packets on Monday so she would not use her time to repeat that information. She is hoping that there will be time for questions at the end of her message. She explained that what she is going to say will be difficult to hear and she assured that Council that it is just as difficult for her say it. She asked for their patience and careful attention as she says what she has prepared to say tonight. As you know, Sheryl's brother in law came here to live at the Ashton Living Center last spring. His wife had died suddenly and he is unable to live alone. He also has serious chronic health problems. She and her husband were grateful that the Ashton Living Center was able to take him as a resident, knowing he would receive excellent health care right here at home where they can visit him often. One of his first outings after he became settled at the Living Center was the Mountain Man Rendezvous and the first person to greet him when they arrived was a member of your (Mayor Mattingly's) family, who (Mayor Mattingly's daughter) is one of his care providers at the Living Center. She insisted on making him make a hamburger, something that he had been asking for since arriving in Idaho. When he said he wanted to buy bear claws to make a necklace Mayor Mattingly helped us find the vendors who could sell them. Then Mayor Mattingly volunteered to drill holes in the claws so he could string them on the necklace he wears to symbolize his membership in the bear clan which is an important part of his religious beliefs and practices. She can't tell you how important these acts of kindness were in helping her brother-in-law feel safe and at home at a time when his world had been turned upside down, and he was so unsure of his future. She and her husband are grateful to Mayor Mattingly and his family for making him feel that he already had friends in this strange place. Her family's reliance on the care Mayor Mattingly's family member provides is ongoing. She (Mayor Mattingly's daughter) and Sheryl attend her brother-in-law's appointments together because as one of his representatives from the Living Center and Sheryl as his family member, share responsibility for his care. They joke that they are his entourage, which is only partially a joke because when we are at the doctor he is the most important person in the room. Our family depends on the relationship that they have with your (Mayor Mattingly's) family member and all the other staff at the Living Center. She would never want to do something that could make their ability to work together for the good of her brother-in-law awkward or uncomfortable. But she worries that the things that she says here tonight may very well do that and it has influenced how she has tried to deal with the many problems that she has observed with the City since she volunteered to help the with City's wastewater discharge permit in 2015. Almost everyone who serves on the Council or works for the City has a friend or family member who works at the Living Center. After all, the Living Center together with Ashton Memorial Clinic and Pharmacy, are the largest employers in Ashton. Many community members have friends or family who work there or have family who have used its services. Sheryl's worries are rooted in what she calls "the tyranny of nice". Many Ashton residents have conveyed to her that they believe that is "not nice" to criticize the Mayor, City Councilmembers or City Employees. They confuse criticism with accountability. Because of that, many people are reluctant to seek accountability because their neighbors and the patrons of their businesses will judge them as "not nice". So instead of seeking to right wrongs, people feel helpless, frustrated and that they have no voice in their own city government. But it is the duty of the residents and voters to hold their elected officials accountable for their mistakes and shortcomings. And it can be done in a way that is respectful of city officials and employees. And in a way that does not involve personal judgements and attacks. The "tyranny of nice" is something that most newcomers to any small city experience when they see problems that they believe have solutions community leaders are either unable or unwilling to acknowledge. They are quickly told in subtle and not so subtle ways that as newcomers or outsiders or the

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term that's popular now, move ins, their opinions don't count. And if they don't like the way that things are done they should go back to where they came from. They are often told, "That's not the way we do things around here." That they would be better off to 'go along to get along'. Sheryl went to the Ashton Archives last week to find news reports from 2010, the last time there major disruption to 'the way we do things around here'. A lot was happening in Ashton in 2009 and 2010 and people throughout the community were actively engaged in a variety of efforts, the Horizon Project, the creation of the Ashton Community Foundation, a committee to improve highway signage, a committee to obtain recycling bins for the City. Sheryl then said that it appeared that she was out of time. The Mayor replied that by his timer, she had another minute to go. Sheryl then continued. A committee to investigate purchasing lots that would eventually become the pocket park and a committee to apply for almost \$100,000 in grant money to replace the windows at the Community Center, which they did receive. But the person who created the most disruption was a newcomer who had moved to Ashton to start a business. Her business was popular and she quickly became so well known that when she ran for City Council in 2009 she was elected. When she took her seat on Council in 2010 she began to ask question about City policies and practices that were important to her and her constituents but were uncomfortable for the Mayor and other Councilmembers. The Mayor then explained that her time for speaking was up. He then asked if everything else was in the materials she submitted. She replied that it was not, it is in the prepared statement that she would like to finish giving but that she understood that he had only given her five minutes. She said that they have information and she would like to offer some solutions, that's where she was going with her statement. She is happy to talk with them about this now or any other time. The Mayor said that they were going to move on with the other business and they will get back with her. He is unsure whether the Council has time to read her information or not but they will take that and see what the Council would like to do with it.

6. American Dog Derby Discussion – Councilman John Scafe **ACTION ITEM**

Councilman Scafe explained that the American Dog Derby Committee had a good meeting the prior night. They were going over their plans for this year. They have insurance for the event. They are looking at the future with all the development going on things may have to change. They might have to move the start out to Bear Gulch for feasibility and safety but right now they are still planning on starting downtown, going north on 5th Street. They have a lot of requests to have it downtown but ultimately the snow dictates where it has to be for the safety of the dogs as well as the mushers. He would hope that if the race moves out of town the businesses would get together and have a Winterfest event like in the past. Councilman Funke asked if he was worried about snow this year. Councilman Scafe replied that he is because right now the snow is really light and does not have a great base. Councilman Kaelberer asked what the safety factors are that would affect the race. Councilman Scafe said the trail is one. If the trail is soft the dogs and mushers can have issues breaking through and having injuries. The heat is another factor because as athletes, the dogs can get ill if it is too hot for them. They run 12 miles minimum for the shortest race. The new buildings outside of town create an issue in getting around them, etc. Snowmobiles can turn fairly sharp but dog sleds are a whole different thing. They are going to do their best to support Ashton and he is hoping the City will help them to move snow. They haven't had it in town for two years so they are hoping that they start in town. The mushers love to come to Ashton. Councilwoman Hansen asked what date the race is happening. Councilman Scafe explained that it will be the 16th through the 18th. The 16th is when the dogs & mushers arrive and get their info for the race. The 17th is the first day of the race as well as the soup challenge put on by the Chamber and Saturday is the final day with city games and awards.

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

City Clerk Stegelmeier went over the schedule with the Council.

8. Executive Session – City Attorney Angell **ACTION ITEM**

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.

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(f) To communicate with legal counsel for the City of Ashton to discuss legal ramifications of and legal options for pending litigation.

Councilman Kaelberer made a motion that the Council enter executive session. Councilwoman Hansen seconded the motion. Mayor Mattingly called a roll call vote: Councilman Funke, aye; Councilman Scafe, aye; Councilwoman Hansen, aye; and Councilman Kaelberer, aye.

The Council entered executive session at 6:33 pm.

Councilwoman Hansen made a motion that the Council exit executive session. Councilman Kaelberer seconded the motion. The motion passed unanimously.

The Council exited executive session at 6:45pm.

9. ADJOURNMENT

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

The meeting ended at 6:46 pm.

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

Cathy Stegelmeier

City Clerk

Tom Mattingly

Mayor