

# MINUTES–CITY OF ASHTON

## COUNCIL MEETING

Wednesday, December 13, 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: John Kaelberer**  
**CALL TO ORDER & WELCOME**  
**PLEDGE LED BY: Tom Mattingly**

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

**Also, in attendance:** City Clerk Stegelmeier, City Attorney Angell, P&Z Administrator Bowersox, Chief Griffel, Deputy Clerk Warnke, Tyrel Clark, Jaden Jackson, Kyle Jones, Nate Finley, Andrew Hood, Heidi Burke, Abbie Rossman, Adam Zaragoza, Kurt Eidam and Rachel Hatton.

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 11-8-2023
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilman Kaelberer 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.*

#### **1. 2023 Election Results – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier went over the Fremont County Board of Commissioner's canvas of the votes from the November 7<sup>th</sup> election.

Councilman Scafe made a motion to accept the Fremont County election results for the City of Ashton. Councilman Kaelberer seconded the motion. The motion passed unanimously.

#### **2. Visitor Center Discussion – City Clerk Stegelmeier, Abby Rossman, Heidi Burks, Adam Zaragoza **ACTION ITEM****

Adam Zaragoza is here to speak to the City Council about the Visitor Center lease to purchase. He talked a little about working with the City for the past 2 years looking forward to the possible purchase of the Visitor Center. The Idaho Parks & Recreation Department has completed the preliminary engineering and have construction cost estimates. They have gone to their board received approval to offer a reduction in price for the Visitor Center. Councilman Scafe discussed having a separate contract with the City during the time that they want the City to manage the dump station. In the future, the City may make some changes to allow for a different way of processing the sewage from the Visitor Center. Councilman Kaelberer made the argument that the appraisal was completed with the building as it is now. He does not want the City to take a loss so that Parks & Rec can make improvements. The

# MINUTES–CITY OF ASHTON

## COUNCIL MEETING

appraised value is a good amount that the City could use. Also – the property and the building are in a good location for Idaho Parks & Rec. Adam said that the intention was not to low ball the price but to come up with a price that would allow Idaho Parks & Recreation some ability to fix up the problems of the property. City Attorney Angell explained that the City could come back with a set price and then go from there. Mayor Mattingly is comfortable in asking \$350,000 as a counteroffer. The Council agreed. Adam said he would bring that offer to the Idaho Parks & Rec board and get back to the City.

Councilman Kaelberer made a motion to extend a counteroffer at \$350,000 for Visitor Center property. Councilman Scafe seconded the motion. The motion passed unanimously.

Mayor Mattingly went out of agenda order and the Council heard agenda item 5 and then came back to agenda item 3.

### **3. Public Hearing - Ashton City Ordinances 507-23 & 508-23 – Update to 17.32 & 17.44 – City Clerk Stegelmeier, P&Z Administrator Bowersox**

City Attorney Angell opened the public hearing. He asked City Clerk Stegelmeier whether the proper notice had been given. She replied it had and that there is a copy of the affidavit of publication included in the Council packets. He then asked the Council if any of them had a conflict of interest. Each answered that they did not. City Attorney Angell then asked P&Z Administrator Bowersox to give her report on the proposed amendment to the Ashton City Code

Administrator Bowersox explained that as she and the P&Z Commission have been working on the comp plan it came to their attention that in the definition of the Highway Commercial Zoning District (HCZD) highway 20 is specifically listed. They had discussed that the district should not be limited to HWY 20 as there are other highways near Ashton. In the future, these highways may also begin to attract commercial uses. This change would be a simple definition change and would have no effect on any property at this time. The second ordinance is necessary to go along with the first to make sure that there are buffers put in place. There are buffers between zones but there will need to be a way to provide a buffer between residential and commercial uses if the zone is changed in the future. Again, this is if the zone is changed in the future and does not affect any business who is in operation currently. Councilman Scafe asked how this will affect anyone on State Highways 47 and 32. Administrator Bowersox said it will not affect them unless the zone is changed in the future. There are no plans to change the zone now.

City Attorney Angell then went on to ask for the sign-up list. When it was received at his desk, there was no one signed up to comment.

City Attorney Angell closed the public hearing at 6:36 pm and explained that the Council could decide in the next order of business on the agenda or they had 60 days to decide.

### **4. Ashton City Ordinances 507-23 & 508-23 – Update to 17.32 & 17.44 – City Clerk Stegelmeier, P&Z Administrator Bowersox **ACTION ITEM****

Councilwoman Hansen thanked Administrator Bowersox and the Commission for thinking ahead. Councilman Scafe just wants to be sure the people who live on the highways are protected in the future.

Councilwoman Hansen made a motion to read the City of Ashton Ordinance 507-23 by title only and dispense with the second and third readings. Councilman Kaelberer seconded the motion. Roll call vote was called. The motion passed unanimously.

# MINUTES–CITY OF ASHTON

## COUNCIL MEETING

Councilwoman Hansen read the ordinance into the record by title.

Councilwoman Hansen made a motion to that Ashton City Ordinance 507-23 be approved and published. Councilman Kaelberer seconded the motion. Roll call vote was called. The motion passed unanimously.

Councilwoman Hansen made a motion to read the City of Ashton Ordinance 508-23 by title only and dispense with the second and third readings. Councilman Kaelberer seconded the motion. Roll call vote was called. The motion passed unanimously.

Councilwoman Hansen read the ordinance into the record by title.

Councilwoman Hansen made a motion to that Ashton City Ordinance 508-23 be approved and published. Councilman Kaelberer seconded the motion. Roll call vote was called. The motion passed unanimously.

### **5. Conditional Use Permit – Tyler Teske – P&Z Administrator Bowersox *ACTION ITEM***

P&Z Administrator Bowersox reported that at the November 16<sup>th</sup> Planning and Zoning Commission meeting they held a public hearing on a conditional use permit for Tyler Teske on the property he owns on the corner of 6<sup>th</sup> and Pine Street. Tyler is hoping to build open storage units which would require a Conditional Use Permit. It will be open storage for RVs and campers. He can manage the snow on his own property. He rents the parking to Blair Dance for the apartments in the old movie theatre and will still provide that to the west of the storage unit. Councilman Scafe has some concerns about a flat roof in Ashton and Tyler explained that it is built for a heavier load. He also explained that he has already has several roofs that are shoveled if needed each winter so this will just add to the fun. They then discussed the setbacks and room for backing the trailers in, etc.

Councilman Kaelberer made a motion to approve a Conditional Use Permit for Tyler Teske. Councilwoman Hansen seconded the motion. The motion passed unanimously.

### **6. P&Z Report – P&Z Administrator Bowersox *ACTION ITEM***

Administrator Bowersox again reported that the P&Z Commission is working on the comprehensive plan. The Commissioners are coming up with a set list of questions so that they can bring the conversations to others. They want to try to reach more people to have public input. They have continued to have some conversation on short-term rentals. It seems that the commission hears a lot of concern about the rentals. Administrator Bowersox explained to them that whatever is put into place cannot conflict with state law so it cannot be regulated as a commercial use because the state has ruled that short-term rentals are a residential use. She then told them that the rentals are not a P&Z concern but something that the City Council would have to decide to enforce through new ordinances. Administrator Bowersox suggested that in the next year maybe there could be a put together a subcommittee of members from the Commission and the Council. Councilman Kaelberer said that is a good idea. They also discussed the possibility of an amendment to the equivalent user lists that would make sure that these rentals are paying their fair share of water & sewer costs.

### **7. American Dog Derby Discussion – Councilman Scafe *ACTION ITEM***

Councilman Scafe explained that the race is in the preliminary planning season. The race dates are February 16<sup>th</sup> and 17<sup>th</sup>. They have already gotten some high-quality mushers coming to the race. The permits are in the planning. They will decide two weeks prior to the dates whether the race will begin in town or out at Bear Gulch. He explained that Ashton is well known for the dog sled race.

### **8. Land Ap Site Lease – City Clerk Stegelmeier, City Attorney Angell *ACTION ITEM***

City Clerk Stegelmeier and City Attorney Angel explained that they negotiated with the Nielsons to change the lease term down to 8 years from 20 as well as charging more for the rent. Councilman Scafe asked if the wheel ruts, etc. had been discussed. City Clerk Stegelmeier explained that it was and they agreed it could be handled through the maintenance section of the contract. Councilman Scafe pointed

# MINUTES–CITY OF ASHTON

## COUNCIL MEETING

out that there was a clerical mistake in the lease concerning the lease term and City Attorney Angell said it would be fixed prior to the Mayor's signature.

Councilman Kaelberer made a motion to approve the land lease agreement with the change as noted.

Councilman Scafe seconded the motion. The motion passed unanimously.

### **9. Utility Fees at 161 Park Avenue – City Clerk Stegelmeier, City Attorney Angell, Dallas Hill *ACTION ITEM***

City Attorney Angel explained that it would cost more to fight this in court. He is also unsure that it wouldn't be a loss as this property was bought through a sheriff's sale which has different legal consequences. He then went on to say that he and City Clerk Stegelmeier will come up with a resolution to handle collections of this sort so that meters can be removed in the future if continually unpaid.

Councilwoman Hansen made a motion to approve a settlement of \$1,200 for 161 Park Avenue past utility bills.

Councilman Kaelberer seconded the motion. The motion passed unanimously.

### **10. City Code Update Discussion – City Clerk Stegelmeier *ACTION ITEM***

City Clerk Stegelmeier explained that this proposal was in the packets in November also. The company that does the City Code codification has a service where they go through our code and report back with any conflicts or other suggestions to improve the code. They can also give us draft language to fix the issues. City Clerk Stegelmeier had spoken with City Attorney Angell and he explained that it would cost a lot more to have his staff do the update. He said it would be a good idea to complete this project.

Councilwoman Hansen expressed her opinion that it needs to be done. Councilman Kaelberer thinks it will help the City avoid future litigation.

Councilman Kaelberer made a motion to accept the American legal Publishing contract for a City Code Update.

Councilman Scafe seconded the motion. The motion passed unanimously.

### **11. Surplus Sale – City Clerk Stegelmeier *ACTION ITEM***

City Clerk Stegelmeier explained that there was only one bid for the merry-go-round and no bids on anything else. It was discussed whether to run the sale again but Councilman Scafe explained that he thought it would be better in the spring as people would be more interested in the sprinkler pipe as well as an inexpensive car for their kids. City Clerk Stegelmeier will set it up for April/May.

Councilman Scafe made a motion to approve the sale of the merry-go-round to Sue Bollinger. Councilwoman

Hansen seconded the motion. The motion passed unanimously.

### **12. Fremont County Support Letter – City Clerk Stegelmeier *ACTION ITEM***

City Clerk Stegelmeier explained that Fremont Search and Rescue has asked for a new letter as they are going to be applying for a grant.

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

City Clerk Stegelmeier went over the schedule with the Council.

### **14. ADJOURNMENT**

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

The meeting ended at 7:15 pm

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

---

Cathy Stegelmeier

City Clerk

---

Tom Mattingly

Mayor