

MINUTES–CITY OF ASHTON

SPECIAL COUNCIL MEETING

Thursday, June 16, 2016

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

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

Also in attendance: City Clerk Stegelmeier, Officer Griffel, Chief Mattingly, Todd Martindale, Michelle O'Malley, Sheryl Hill, Sean Shuldberg and Marvin Fielding.

Mayor Stronks opened the meeting at 6:59 pm.

1. AMEND AGENDA: *(ID Code 74-204.4.b and c – An agenda may be amended upon a motion that states the reason for the amendment and states the good faith reason the agenda was not included in the original agenda posting.)*

A. **New Business A. Sidewalk Excavation Permit – City Clerk Stegelmeier**

City Clerk Stegelmeier explained that the reason this item had not been on the agenda prior to posting was that no one was aware that some sidewalk would need to be removed in order for the customer to hook to the meter box.

Councilwoman Harrigfeld made a motion to add 5.D. Sidewalk/Excavation Permit to the New Business/Petitions portion of the agenda. Councilman Atchley seconded the motion. The motion passed unanimously

2. OLD BUSINESS:

A. **3rd Street Improvements Bid Approval – Marvin Fielding, City Clerk Stegelmeier**
Marvin Fielding is here to go over the 3rd Street Improvements Project bids. Five of the six bids were very close with one company bidding higher. The low bid was Steel Design at \$130,790.76. The company would like to start in July. Mayor Stronks asked Marvin if he has worked with this company before. Marvin said that the owner, Brian Christensen, has been with BECO in the past. Marvin has worked with Brian's brother and hasn't heard of any problems Brian has had in the past. When the bonding is complete Marvin will give them the go ahead to begin to work.

Councilman Atchley made a motion to award Steel Design, LLC the bid for the 3rd Street Road Improvement Project. Councilwoman Hansen seconded the motion. The motion passed unanimously.

3. NEW BUSINESS:

A. **Sidewalk Excavation Permit – City Clerk Stegelmeier**
Imperative to get the water in to water the grass.

Councilman Atchley made a motion to approve the Ashton URA sidewalk/excavation permit as proposed to hook to their meter. Councilwoman Hansen seconded the motion. The motion passed unanimously.

B. "Curing" the technical open meeting violation which occurred in the May 11, 2016 council meeting when the position of P&Z Administrator was voted on to be eliminated but that was not on the printed .

Mayor Stronks read the following advice from the City Attorney into the record:

Upon the advice of counsel and in an abundance of caution the following is intended to cure any

MINUTES–CITY OF ASHTON

SPECIAL COUNCIL MEETING

potential violation that has been alleged to have occurred at the May 11th City Council meeting. According to the Idaho Open Meeting laws any action which takes place when or if an open meeting has occurred could be declared null and void. Therefore, again in an abundance of caution to cure the allegation that the position of P&Z Administrator was eliminated inappropriately, I recommend that the position of P&Z Administrator be re-established effective immediately pending a proper procedural amendment to the City's Development Code. I recommend that Susan Baker be re-instated as the P&Z administrator for the fact that where there is an allegation of a violation and an opportunity to cure same – it is in the City's best interest to do so. The Mayor and City Council acted in good faith at the May 11th meeting and this decision is intended to demonstrate that the City Council will do everything possible to adhere to the Idaho Open Meeting laws.

Councilman Atchley made a motion that the position of P&Z Administrator be re-established pending a proper procedural amendment to the City's Development Code. I further move that Susan Baker be reinstated as the P&Z Administrator. Councilwoman Harrigfeld seconded the motion. The motion passed unanimously.

- C. Discussion of options for revising the Development Code.
Councilman Atchley would like to take more time to go over the Development Code. Councilwoman Hansen would like to go over the options of administrator/no administrator. Councilwoman Harrigfeld asked if City Clerk Stegelmeier would make them each a copy of the Development Code. City Clerk Stegelmeier replied that they have a copy, it is chapter 17 in their copy of the Ashton City Code.
- D. Appointment of temporary P&Z administrator pending final revision of Development Code.
Mayor Stronks said that since Susan Baker had been reinstated, this item is not necessary at this time.
- E. Discussion on hiring a new city attorney since our present attorney has submitted her resignation to take effect on or before June 30th.
Mayor Stronks explained that he, Councilwoman Hansen, Councilman Atchley and City Clerk Stegelmeier had met with Sam Angell on Tuesday, June 14th. City Clerk Stegelmeier had put the question of cost for an attorney on list serve (as requested by Councilman Atchley) and had included those answers along with Mr. Angell's cost information in the packet. Councilman Atchley likes Sam Angell for the position. Councilwoman Hansen said that she would like to open the job up to get applicants. Councilwoman Harrigfeld agreed. City Clerk Stegelmeier had supplied them with a copy of the request for proposals (RFP) used to hire City Attorney Lookabaugh and asked if that is sufficient. The council liked the RFP and directed City Clerk Stegelmeier to get it in the paper as soon as possible. Since City Attorney Lookabaugh has given notice there is a close deadline and City Clerk Stegelmeier would not be able to get it in the paper until the Tuesday, June 21st edition (and possibly not then as the deadline is Thursday at 5PM). Councilwoman Harrigfeld suggested the July 5th as a deadline for applicants in order to possibly make the appointment at the July 13th regular Council meeting.

4. ADJOURNMENT:

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

MINUTES–CITY OF ASHTON

SPECIAL COUNCIL MEETING

Meeting adjourned at 7:15

NEXT MEETING

- ◆ Regular Council 7:00 p.m. – Wednesday, July 13, 2016, 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