

# MINUTES–CITY OF ASHTON

## CITY COUNCIL MEETING

Wednesday, April 14, 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.

ALSO: Temperature screening will be required.

**Please do not attend the meeting if you feel sick or have been around those who have been sick.**

**PRAYER OFFERED BY: Teresa Hansen**

**CALL TO ORDER & WELCOME**

**PLEDGE LED BY: Tom Mattingly**

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

**Also, in attendance:** City Clerk Stegelmeier, City Attorney Angell, Deputy Clerk Warnke, Chief Griffel, P&Z Administrator Sara Bowersox, Dallas Hill, Lisa Smith, John Scafe and Rachel Hatton.

Mayor Mattingly welcomed everyone and opened the meeting at 7:00 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 Special Meeting Minutes 3-10-2021
- B. **Treasurers Report** - As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As submitted

Councilman Atchley made a motion to approve the consent agenda as presented. Councilman Funke 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.*

### 2. **Public Hearing – City of Ashton Ordinance 482-21 – Development Code Amendment**

- A. **Public Comment** (Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the Mayor/Council.)

Mayor Mattingly opened the public hearing at 7:03pm.

Sara Bowersox has been the City P&Z Administer for a couple of years. Through this time, it has been hard for the Mayor(s) to get someone to serve on the Planning & Zoning Commission. At several trainings given by the Association of Idaho Cities – it has been mentioned that many small rural communities have a hard time keeping a full commission. The AIC's recommendation in those cases that the City Council act as a commission for those communities. The code for the State of Idaho allows for communities to do t so. Sara has greatly appreciated working with the commissioners and their work has been appreciated. Sara is in favor of having the City Council act as the city's P&Z Commission.

Dallas Hill – 841 Maple Street, Ashton. Dallas explained that the Council should take several items into consideration in making this decision. The first thing he thinks needs to be considered is

# MINUTES–CITY OF ASHTON

## CITY COUNCIL MEETING

protecting the community from hazards. He noted that the Teton Valley is an example of the need to be prepared for growth. Things there have ended haphazardly. The locals there were taken by surprise. Millionaires ran for office, took over the positions and changed the area to be more like California, etc. The rules on parking and building are astonishing to locals. Many are moving here and there needs to be a priority in protecting the community. We need to make sure that it is growing in a smart way. More people making the decisions will help in brainstorming. He said he knows that it may be hard to fill the positions but he thinks it will be easier to maintain what the City has than to fix it later.

There were no other speakers signed in to speak. Mayor Mattingly asked if there was anyone in the audience who would like to comment. There were no other public comments.

Mayor Mattingly closed the public hearing at 7:13 pm.

### **3. City of Ashton Ordinance 482-21 – Development Code Amendment **ACTION ITEM****

Mayor Mattingly opened up the floor for discussion by the Council. Councilman Atchley expressed his support for a temporary change. The Council has discussed this a few times in the past and have been hoping that the Mayor could find some willing to serve – it just hasn't worked that way. Councilwoman Hansen explained that the Mayor(s) have been working on it - trying many times to have people serve. Councilman Kaelberer inquired of Mr. Hill if he knows people who would serve. Mr. Hill explained that he cannot remember their names offhand but he is sure there are those who would serve. Mayor Mattingly assured the council and audience that his priority is in making sure that Ashton stays Ashton – he feels it is a priority for everyone on the council and they will keep Ashton as Ashton. City Clerk Stegelmeier explained that that is why the ordinance is written as it is – it states that the Council will act as a Commission. This is a simple paragraph addition and no changes to the body of the development code. That way – the paragraph can just be removed as a commission is put back into place in the future. City Attorney Angell explained that one of the issues is having a quorum for decisions. The commission has really struggled with this in the past and applicants need a commission that can make timely decisions. He explained that the law allows for this change and that he is sure that the Council will be making a reversal in the future. Councilwoman Hansen asked P&Z Administrator Bowersox who is on the commission. Administrator Bowersox reported that Mike Hogle (his term should already be done), James Reynolds (his term ended in January), Norm Watkins (his term ends in May), Dallas Hill (still has some time in his term). The Ashton City Code calls for one member to be from the Area of Impact but that seat has not been covered for her entire tenure as the administrator. Administrator Bowersox also explained that when council acts as commission – then there is only one public hearing as the Council would not need to make a recommendation to itself. This would streamline the process by about a month.

Councilman Atchley made a motion to read the City of Ashton Ordinance 482-21 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 Atchley read the ordinance into the record by title.

Councilman Atchley made a motion to that Ashton City Ordinance 482-21 be approved and published.

Councilwoman Hansen seconded the motion. Roll call vote was called. The motion passed unanimously.

### **4. Public Hearing – City of Ashton Resolution 21-03 – Visitor Center Fee Increase**

A. Public Comment (Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the Mayor/Council.)

Mayor Mattingly opened the public hearing at 7:23pm.

There were no speakers signed in to speak. Mayor Mattingly asked if there was anyone in the audience who would like to comment. There were no public comments.

Mayor Mattingly closed the public hearing at 7:24pm.

### **5. City of Ashton Resolution 21-03 – Visitor Center Fee Increase **ACTION Item****

Councilman Atchley is against raising the fee for dumping at the Visitor Center. He doesn't feel that it is the

# MINUTES–CITY OF ASHTON

## CITY COUNCIL MEETING

City's recreators responsibility to pay for the Visitor Center. Councilman Kaelberer had an idea that the city residents could bring in their RV registration for a refund of the fee. That way – those who do not already help to pay for the sewer system would be the ones paying for the service. Mayor Mattingly said that it is not fair for the citizens to pay for the sewage that comes in to be treated. He reminded the Council about the high water and sewer bills. Discussion on the fee continued – they also discussed getting kiosks to charge for the fresh water that campers load there. Councilman Atchley made the point that the water loss in the books is not getting lost in campers. The loss is coming from the ITD and others who fill water trucks at the hydrants. He suggests adopting ordinances and getting meters that could be used for those entities in paying for that water. Councilman Atchley also disagrees with the report that all RV dump costs in the area are higher than Ashton's cost. Mayor Mattingly asked that the Council think over this decision directed City Clerk Stegelmeier to put it on the agenda again for May's meeting.

### **6. Visitor Center Discussion – City Clerk Stegelmeier **ACTION ITEM****

Mayor Mattingly explained that he and Cathy met with Dave Jacobsen and Rachel Hatton of the Ashton Area Chamber of Commerce to discuss the Visitor Center. In that discussion, Dave & Rachel explained that the Chamber cannot handle acting as the directors at the Visitor Center. City Clerk Stegelmeier explained that in the past, the Council has considered looking for a concessionaire to run the Visitor Center. They could sell their items, etc. while still giving out pamphlets and information. Councilman Kaelberer asked City Attorney Angell if there are limitations or rules that the City would need to follow. City Attorney Angell will look into this and let the Council know at the May meeting.

### **7. City of Ashton Resolution 21-02 – Surplus Sale **ACTION ITEM****

City Clerk Stegelmeier went over the prices from the sale. The Council asked about the street lights – but none had sold.

Councilman Atchley made a motion to adopt the City of Ashton Resolution 21-2. Councilman Kaelberer seconded the motion. Roll call vote was called. The motion passed unanimously.

### **8. Chamber 4th of July Parade – Rachel Hatton **ACTION ITEM****

Rachel Hatton is here to speak to the Council about the Chamber's 4<sup>th</sup> of July Celebration. She is glad to be in person and not online for the meeting. She asked if the City is willing to let the Chamber use the City streets and park for the 4<sup>th</sup> of July celebration. Mayor Mattingly said that unless something out of the City's control happens, the Chamber can use the park and ballfield with the same information (insurance, etc.) provided to the City. Councilman Atchley asked if the celebration would be held the 3<sup>rd</sup> or the 5<sup>th</sup> due to the 4<sup>th</sup> falling on a Sunday. Rachel said it would be on Saturday the 3<sup>rd</sup>. Councilwoman Hansen asked what the theme is this year. The theme is still being decided. Mayor Mattingly asked that Rachel work with Michele on the details of the park and to get with Todd on traffic control and Chief Griffel on public safety.

### **9. Park Restroom Update – Councilman Funke **ACTION ITEM****

Councilman Funke reported that he now has a completed set of plans for the facility. He said that the restroom will not be built this year. He is not giving up but it will take some more time.

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

P&Z Administrator Bowersox explained that it is springtime and building projects are starting to pick up. She has had some fairly large preliminary discussions but she hasn't heard back from them. One item that is firming up will include a rezoning and a class 2 permit. She will get the Council information early for the public hearing. It will be a good idea to read it over and get it in their minds what they will be considering. One of the things that Administrator Bowersox wants to remind everyone is that when they will operate in a quasi-judicial manner so they will need to only talk about those things with staff. It is to protect the rights of the citizens. It is important that the proposal meets the criteria in the code – not because the majority of

# MINUTES–CITY OF ASHTON

## CITY COUNCIL MEETING

Kabeer those speaking like or dislike the proposal. Right now, there is no formal application yet but she will get a hearing set up when/if the application is made. She would see that as needing a separate meeting. She then talked about the comprehensive plan a little and will follow up with the last commissioners to make sure that their input is used.

### **11.Sewer Rate Discussion – City Clerk Stegelmeier **ACTION ITEM****

City Clerk Stegelmeier went over the rate proposals in the memo. The Council discussed the rates. Councilman Atchley proposed raising the total rate 20 dollars – lowering the water rate by \$10 and raising the sewer by \$30. The water rate had been higher but the 1994 bond has been paid off. City Clerk Stegelmeier suggested talking to Idaho Rural Water and having them prepare a video about utility rates similar to what was discussed in the training this month. The Council liked the idea. Councilman Funke said that there were some very good points in the training such as 70 to 80 percent water and sewer operators in the state are about to retire. IRW is sponsoring an apprentice program. City Clerk Stegelmeier will let the Council know about the meeting times, etc.

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

City Clerk Stegelmeier went over the schedule with the Mayor & Council.

### **13.Executive Session – City Attorney Angell**

*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.*

**(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.**

City Attorney Angell has no business for executive session.

### **14. ADJOURNMENT**

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

The meeting ended at 8:53 pm.

### **NEXT MEETING**

- ◆ City Council 7:00 p.m. – Wednesday, May 12, 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