

MINUTES-CITY OF ASHTON

REGULAR CITY COUNCIL MEETING

Wednesday, November 14, 2007

7:00 p.m.

714 Main (west 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**. Any individual who wishes to address the Council on any other subject should plan to speak when **Item 3- Public Comments** is identified by the Mayor. 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

PRAYER OFFERED BY: Teddy Stronks
PLEDGE LED BY: Linda Janssen

Mayor Stronks welcomed everyone and opened the meeting at 7:02 PM.

PRESENT: Mayor Teddy Stronks, Councilwoman Linda Janssen, Councilman Brett Pincock, Councilman Richard Huntsman, Councilman Matt Brady, Clerk Cathy Stegelmeier, Del Jensen, Rick Paskett, Bob Comstock, Suzanne Comstock, Comstock, Heather Peterson, Merle Jeppesen, Barry Boyle, Weldon Reynolds, Heather Peterson, Bob Gaston, Bob Comstock, Suzann Comstock, David Comstock, Adam Wilson, Diane Wilson, Peter Young, Harold Lenz, Rudy Steinman, Susan Steinman, Jake Amen, Mitch Allen, Jerry Funke, Jan Warnke, Don Lenz, Suzette Bollinger, Leon Martindale, Richard Griffel, Jodi Nedrow, Shirley Wilkinson and Sarah Reinke.

1. CONSENT AGENDA:

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 Regular Council Meeting October 10, 2007 Special City Council Meeting November 6, 2007.
- B. **Treasurers Report & Financial Statement**– As Submitted
- C. **Payables** – Bills for Council approval as a result of City expenditures
- D. **Employee Expenses** – As Submitted

Councilwoman Brady made a motion to approve the consent agenda as presented. Councilman Janssen seconded the motion. The motion passed unanimously

2. PUBLIC COMMENTS: (Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the Mayor/Council.)

There were no public comments.

3. ORDINANCES/RESOLUTIONS:

- A. City of Ashton Resolution # 07-04 – Extension of Maturity of Interim Financing on Sewer Project.

Councilwoman Janssen made a motion to dispense with 1st & 2nd readings and to read this resolution by title only. Councilman Pincock seconded the motion. The motion passed.

Councilwoman Janssen read the Resolution into the record.

Councilwoman Huntsman made a motion to approve the consent agenda. Councilman Pincock seconded the motion. A roll call vote was taken. The motion passed unanimously

4. NEW BUSINESS/PETITIONS:

- A. Merle Jeppsen and Barry Boyle – Easement. Merle Jeppsen came to council to visit with the council about some property we own to the north of their property. There was a road to their property when the landfill was running. During the time the landfill was there, they had asked county to block road because of some dumping on their property. Now that garbage dump is closed they would like to re-establish a right of way through the city's property. They would be agreeable to help get access to

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the city's 20 acres. The gun club uses the property now. Councilwoman Janssen asked if they have access to their property other than this. Mr. Jeppsen replied that they do have access from the south. Mayor Stronks asked if their plan is to develop the property into lots. Mr. Jeppesen replied that they did, but they thought the road would be good for both them and the city because of the build up of a good road. Mayor Stronks told them the council would need time to research the subject. Councilman Brady expressed that there would need to be some sort of document prepared anyway before an answer could be given. Mayor Stronks thanked them for their time.

- B. Weldon Reynolds – Pine Street property. Weldon Reynolds came to the council about a drainage problem that causes flooding on his property. He expressed that previous mayors had promised that the problem would be fixed. The water comes from north and west onto his property. This flooding is affecting his property value. Mr. Reynolds explained that he realizes that budgets are tight but this problem needs to get fixed. He also expressed some concern about water coming from the Wynn property and forming a mosquito pond. He then asked what kind of zoning the property lies in. Councilwoman Janssen replied that zoned commercial but not industrial. Mr. Reynolds then asked if he would also be allowed to speak on the next item. Mayor Stronks replied that he would and thanked him for his time. Mayor Stronks told him that this council would take care of the drainage problem.

Mayor Stronks called for a 5 minute break for the City Clerk to invite the Planning and Zoning Committee to join the meeting to help answer questions on the Sign Ordinance.

Mayor Stronks welcomed everyone and called on Mr. Comstock for the next item on the agenda.

- C. Bob Comstock, Carol Rassmussen, Brad Purcell – Sign Ordinance. Bob Comstock is here because of his concern about the sign ordinance. He gave many statistics on business signs and the raise in sales that they can account for. He then explained that on his tax notice more than ½ of the taxes he pays goes to Ashton. If he lived in Marysville, he would not lose this money. Mr. Comstock doesn't feel that that is part of city government to tell him what color his signs should be. He would rather the council worry about the city's water situation than worry about the sign he puts up. Mr. Comstock has gathered the signatures of 53 people who would like to rescind the sign ordinance. The signatory are not against some restrictions, they just think that this ordinance is not reasonable. Mr. Comstock feels that his taxes should be enough and that the city shouldn't need another revenue source. Stacy Dexter replied to Mr. Comstock that it was not the P&Z Commissions intent to generate revenue for the city and that the committee had spent a lot of time preparing the ordinance. He also expressed that it was not their intent to control what businesses can do. Another citizen attending then expressed that much of the ordinance was not needed and that it should be rescinded. The Mayor and Council explained that it could not be rescinded but could be amended by another ordinance. It was suggested that they draw lines through part of it. It was explained that the public had an opportunity to express these concerns at the Public Hearing but no one came. Many of the people present expressed that they thought that the Public Hearing wasn't advertised. City Clerk Stegelmeier replied that it was advertised according to Idaho statute. Stacy Dexter again expressed that the committee doesn't want to stymie business at all. The only reason that there is a fee is to pay for administrative costs. Mr. Comstock feels that it will be a business detriment. The city had to make all sorts of concessions to attract a local doctor and now here is another problem in getting businesses to come here. Councilman Brady again explained that the ordinance cannot be rescinded but it can be amended. Mayor Stronks would like to make a committee to amend the ordinance. Stacy Dexter explained that as this new committee is working on it they will see how many different kinds of signs there can be and then they will understand why it took so long to complete. Again it was expressed that it is a tax. Again it was explained that this permit fee is a fee, not a tax. Mr. Comstock argued again that it is the City of Ashton's intent to tax. Don Lenz explained that the intent was to keep track of the signs that are put up. Don also said that this

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ordinance was not taken lightly. Mitch Allen explained that as a community we have to get a feel and look for our town to take it into the future. Mr. Comstock again expressed his feeling the ordinance will hinder business in Ashton. He again asked that it be rescinded. Again it was explained that it cannot be rescinded but could be amended. Councilwoman Janssen expressed that the city council has encouraged the P & Z committee to get this ordinance completed. It has been missing in our comprehensive plan. Mr. Comstock again expressed that he still doesn't think it is right. Councilwoman Janssen explained that the comprehensive plan makes it so Ashton is in compliance with the state law. Councilman Pincock explained to Mr. Comstock that he needs to take an active part in the city and needed to be to at the public hearing to voice his concerns. Mr. Comstock and Peter Young then volunteered to be on the committee to amend the ordinance. Mr. Comstock wants less government. Councilman Brady expressed that if there are specific problems, let's address them. The whole ordinance is not going to go away. The P & Z Committee meets regularly and if you want to have input you need to attend the meeting. Leon Martindale asked Mr. Comstock if he wanted an ordinance at all. Mr. Comstock replied that he just doesn't want the regulation. He then expressed that none of us (the city) have part ownership in their business and shouldn't have say in what he does. Councilwoman Janssen explained that as a business owner, she also was concerned when she received the letter about the ordinance. She then called Suzette to talk to her about how to fill out the application. She then asked if she could just take a picture and include it with her application. She was told that she could. Mr. Comstock then asked what the \$25 dollar fee is for. Suzette explained that it pays for the administration of the ordinance. Mayor Stronks expressed that he was excited to have more people out to a council meeting. He then explained that 9 people had spent a lot of time to put this ordinance together. Councilman Pincock went on to say that at times it is hard for the council to know what the people of the city want because there is no input from anyone. The city government will work a whole lot better if citizens will come in and give their input. He asked Mr. Comstock to come on a regular basis and give input. He went on to ask that citizens quit forcing the council & mayor to run the city without their input. The committee for amending the ordinance is to get their suggestions together and bring them to the next P & Z committee meeting. Weldon Reynolds then spoke and expressed his appreciation for all the work the P & Z committee has done but he does question whether 43 pages is too much regulation for the City of Ashton. He feels that when we regulate private business, opinion matters and there needs to be a little more flexibility. He then asked if there was a procedure for variances. Suzette explained that there was. The first step in a variance is to go to the P & Z committee and the second is to go to the city council. Councilwoman Janssen explained that this ordinance is a change and people don't like change. The Mayor then asked Mr. Comstock if he could have a copy of the petition. Mr. Comstock gave the petition to the Mayor and then was asked if he wanted a copy. He said he didn't need one. Jerry Funke explained that in his travels, he doesn't use the signs on the highway to choose where he will go and that the businesses in Ashton do not need billboards on the highway. Councilman Brady asked that concerned business owners consult with Suzette to see if the items they are concerned with interpreted correctly. The Mayor then asked Mr. Comstock to get a committee together and get their suggestions to the P & Z Committee. Mayor Stronks then expressed that the council was moving along with the agenda but appreciated everyone's attendance at the meeting.

Mayor Stronks then called for a five minute break to allow the P & Z Committee to go back to their meeting.

5. UNFINISHED / OLD BUSINESS:

- A. Del Jensen –
- B. Cathy Stegelmeier –Community Center Carpet Bids. Clerk Stegelmeier presented carpet bids to the

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council. She then asked Jake Amen to talk to the council about a community calendar. He has been working with the Chamber on a calendar be able to log in and update. The calendar would also work well with City and Community Center activities. He is asking the city to match funds to put together to put this calendar together. There would be different colors to denote the events and links to other sites. The cost would be \$500 dollars. Councilman Brady spoke to the council about the fee that the Chamber had paid for the Harvest dinner. The event was not well attended. He was wondering if the city could refund part of the fee. The city has already donated \$1200 to the Chamber's community newsletter.

Councilwoman Janssen made a motion to wave fee on \$225 and put in \$275 on calendar to make up the \$500. Councilman Brady seconded the motion. The motion passed unanimously

City Clerk Stegelmeier visited with the council about the city's dog licenses. There have been very few dogs licensed in 2007. The council suggested advertising the need to license the dogs for 2008. City Clerk Stegelmeier explained that the auditors had been through the FY2007 financial records and there will be an additional cost due to the amount of federal grants requiring further audit reporting. City Clerk Stegelmeier then introduced the council to Joe Borgman who had been awarded the contract on the council desk. Joe came to answer any questions the council had. Mayor Stronks asked how long Joe had been building furniture. Joe said it has been 10 years. Councilman Pincock asked when he anticipates completion of the desk and Joe replied it would be about 2 weeks. Mayor Stronks thanked him for his time. City Clerk Stegelmeier then explained to the council that Marty Duffin was awarded the contract on the City Building Entrance. City Clerk Stegelmeier then told the council that she had a proposal from Paul Wynn concerning the continuing small claims suit against Mr. Wynn. It was decided that because it is litigation, it should be discussed in executive session. City Clerk Stegelmeier then reminded the council about the upcoming FEAC Meeting, Christmas Party and an AIC Meeting on November 29th. City Clerk Stegelmeier also explained that the city office copier has been having problems. This is the third time it has needed repair and it will be \$495 for this repair. When she was told the cost for repair, she had Yost come up with a bid for a new copier and the information was included in the council's packet. The cost per month will be \$72.

Councilwoman Janssen made a motion to lease purchase a new city office copier. Councilman Brady seconded the motion. The motion passed unanimously

6. STAFF AND COMMITTEE/SPECIAL REPORTS

- A. Mayor's Youth Advisory Committee Report – Melodie Chriswell. Melodie did not attend the meeting. Mayor Stronks will talk to Luke Floyd to set up a good time for the meeting. Councilwoman Janssen and Councilman Brady will be attending and it was decided that Monday would be the best day for the meeting.
- B. Community Center Committee Report – Shirley Wilkinson, Sara Reinke. Shirley & Sarah came to the council the on the Community Center Open House. Shirley felt that it went well and raised awareness about the Community Center. There was one group who signed up to adopt a room. One of the small classrooms. The committee does feel, though that there are some maintenance & custodial needs that need to be addressed before they continue. Some of these items are simply too difficult for volunteers to do such as the cleaning and painting of the gym. They would like to recommend a cleaning schedule and procedures for preparation of rooms for rental. The Mayor asked City Clerk Stegelmeier to check with the work camp to find out if they would be available to help with this project. The committee also wanted to make sure the storage under the stage was cleaned also. It needs cleaning badly. The Committee will be having a night meeting November 27th at 8 pm.

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7. MAYOR AND COUNCIL REPORTS

- A. Mayor Stronks – Idaho Energy Conference. Mayor Stronks talked to the council about some of the information he received at the energy conference. In the 2006 building code, a lot of these new requirements will be adopted for more energy efficiency in public buildings. Mayor Stronks also told the council about Mike McCord who talked to him about helping obtain funds to bring buildings up to standards. Mayor Stronks had told him about the Community Center and when he got back he gave the information to Sarah Reinke. Sarah explained that she has visited with him he has committed to be here before Christmas to evaluate the building.

Councilman Brady made a motion to enter executive session. Councilman Janssen seconded the motion. Roll call vote was taken. The motion passed unanimously

8. EXECUTIVE SESSION:

I.C. 67-2345 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.

Advise representatives in pending litigation.

Councilman Pincock made a motion to exit executive session. Councilman Janssen seconded the motion. The motion passed unanimously

Councilman Janssen made a motion instructing City Clerk Stegelmeier and City Attorney Lookabaugh to pursue the Paul Wynn bill to the full extent of the law. Councilman Pincock seconded the motion. Roll call vote was taken. The motion passed unanimously

9. ADJOURNMENT

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

NEXT MEETING

Regular Council 7:00 p.m. – Wednesday, December 12, 2007 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