

# CITY OF IDAHO CITY



## REGULAR CITY COUNCIL MEETING

Wednesday, April 12, 2023

6:00 P.M

City Hall, 511 Main Street, Idaho City, ID 83631

Join Zoom Meeting

<https://us02web.zoom.us/j/4192717240?pwd=UWJUeHFjdM5GMUliNUhFNkJHaUZ2QT09>

Meeting ID: 419 271 7240

Passcode: iccouncil

## MINUTES

CALL MEETING TO ORDER Mayor Everhart called regular city council meeting to order at 6:09 PM

ROLL CALL Clerk Ptak called roll, Heffington, Elliott, Adams, Secor in attendance.

PLEDGE OF ALLEGIANCE Mayor Everhart led the pledge of allegiance.

### I. CONSENT AGENDA

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it is discussed in greater detail. Explanatory information is included in the Council agenda packet regarding these items and any contingencies are part of the approval.

#### A. APPROVAL OF MINUTES: MARCH 22, 2023 **ACTION ITEM**

Counselor Elliott made a motion, seconded by Adams, to approve the minutes dated March 22, 2023. 4 ayes. Motion carried.

#### B. IDAHO CITY EVENT CHECKLIST: **ACTION ITEM**

#### C. BILLS/PAYABLES: MARCH 23, 2023 THROUGH APRIL 12, 2023 **ACTION ITEM**

Council President Secor made a motion, seconded by Adams, to pay bills dated March 23, 2023, through April 12, 2023, in the amount of \$32,797.81. 4 ayes. Motion carried

### II. PUBLIC HEARINGS

Items listed as public hearings allow citizen comment on the subject matter before the Council. Residents or visitors wishing to comment upon the item before the Council should follow the procedural steps. In order to testify, individuals must sign up in advance, providing sufficient information to allow the Clerk to properly record their testimony in the official record of the City Council. Hearing procedures call for presentation by the applicant, submission of information from City staff, followed by public testimony. **ACTION ITEM**

### III. ENGINEER'S REPORT

### IV. OLD BUSINESS

#### A. IDAHO CITY FILMING GUIDELINES, APPLICATION, AND PERMIT **ACTION ITEM**

Clerk Ptak asked council to look through the Idaho City Filming Guidelines, Application, and Permit. Right now the forms just need to be gone through to see if there are any changes needed. Elliott asked how many other cities were charging a per day fee, and Ptak responded there were quite a few. Discussion ensued regarding the fees and process for when those fees would be seen by council. Public hearing should be scheduled for the first meeting in May. Item tabled for future meeting.

#### B. WHITE CLOUD COMMUNICATIONS – ERIK SPRINGER. **ACTION ITEM**

Erik Springer with White Cloud Communications addressed council regarding the paperwork that Clerk Ptak provided and informed council, that is what White Cloud submits for the grant proposal. Previously White Cloud had asked for letters from the city but are now requesting a resolution from the city because it is cleaner in their proposal. It does not put the city on the hook for anything but says that the city would like to work with White Cloud Communications. Mayor Everhart informed Springer that the resolutions would be looked at later in the meeting. Elliott asked if Boise County would be making a resolution as well, and Springer responded no, that White Cloud was wanting to focus on a smaller region, and this was just for the Idaho City area.

#### C. 302 ELK CREEK RESIDENTS WITHOUT WATER

Clerk Ptak has received complaints on this issue. Chief Otter addressed council and explained that the Elk Creek residents are going on 3 weeks without water. Some residents have complained and have been threatened with eviction for complaining. Chief Otter spoke with City Attorney Joan Callahan about different solutions. 1) Callahan is going to speak to Erik Thompson regarding the city's nuisance policy to see if there is something where Otter can put forth a charge. There is nothing through the State that can be done, it is all civil. Otter has done research and currently there is nothing that he can do legally. 2) Would be looking at it as a health and safety issue, and looking into the legality of whether the city can force the owner to connect to city water. Counselor Secor contacted Central District Health who was going to get with DEQ to look into the issue. Counselor Adams added that in speaking with the Department of Health and Welfare, they would need the residents to file a civil suit in order for something to be done, but the residents are not able to do that and are fearful of eviction if they did. Chief Otter thanked Jon and Mari Adams, as well as Jason Kindelberger the new pastor at Idaho City Christian Center for opening up to provide showers and water for the residents of 302 Elk Creek. Discussion ensued on other things that could be done. City Attorney Callahan is going to look into what can be done legally. Discussion with City Attorney Callahan ensued. Mayor Everhart is going to contact who he knows at DEQ. Callahan also suggested contacting the Legislator for Idaho City's District, Geoff Schroeder.

## V. NEW BUSINESS

### A. HISTORICAL SOCIETY IPAD FROM CITY **ACTION ITEM**

Clerk Ptak addressed council and explained the city let the Historic Foundation use a city surplus iPad for taking square payments at the St. Patrick's Day Event. Counselor Elliott explained that the iPad the Historic Foundation had was old and would not work with Square payments, so she had asked Clerk Ptak to use one of the city's surplus iPad's and she agreed. Elliott also asked for it to be put on the agenda so that the city could possibly donate or sell a surplus iPad to the Historic Foundation. Mayor Everhart had no issue donating one to the Historic Foundation as long as City Attorney was in agreement that it could be done. Callahan responded that she would look up in Idaho City Code what needed to be done to move forward.

### B. LEASE AGREEMENT WITH TOM'S SERVICE FOR GENTRY'S OUTPOST & LEON'S CAFÉ **ACTION ITEM**

Clerk Ptak addressed council and explained this lease was the same as when the business was Seasons. Now with new owners the agreement needs updated. City Attorney Callahan had a couple of adjustments to make the lease more conforming to ICRMP's. Callahan added that there were no provisions in the lease for breach and what would happen in such a case. Mayor Everhart asked if City Attorney would make the adjustments and then send it to council for approval at the next meeting. Callahan inquired on the lease terms and Mayor Everhart responded 2 years. Discussion on what the lease included (boardwalk, parking lot) ensued. Counselor Secor added that the city should add the maintenance of the parking lot to the lease agreement. Elliott asked if the City Attorney would need a legal description for said parking lot and Callahan responded that a picture would work.

### C. LETTER OF INTENT FROM TAMMY CORRELL – PARKS AND RECREATION. **ACTION ITEM**

### D. LETTER OF INTENT FROM JAMES CORRELL - PARKS AND RECREATION. **ACTION ITEM**

### E. LETTER OF INTENT FROM SHAUNNA ROEBER – PARKS AND RECREATION. **ACTION ITEM**

Counselor Elliott asked if the city was allowed to have a husband and wife on the commission together and Mayor Everhart responded yes, there were no restrictions because they are not elected. Counselor Secor made a motion seconded by counselor Heffington to approve the letters of intent from Tammy Correll, James Correll, and Shaunna Roeber and appoint them to the Parks and Rec Commission. Heffington & Elliott asked for a few minutes for research. Discussion ensued. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried.

### F. MOBILE FOOD TRUCK PERMIT APPLICATION **ACTION ITEM**

Clerk Ptak addressed council and explained the city has had interest in food trucks coming up and currently the only form the city has is a vendor permit. Mayor Everhart questioned if the current vendor form would still be sufficient and Ptak responded that this form is a lot more in depth and makes the vendor more responsible for what they are doing within the community. Ptak explained that the city does quite a bit for little to no cost and the people and vendors that come into town should contribute, this is why the city is looking to generate some new fees associated with applications, etc. Discussion ensued regarding where mobile food trucks could be set up. Mayor Everhart added that something should be added to the form regarding a limit to the number of days they could be set up in one location.

## VI. ORDINANCES AND RESOLUTIONS

Ordinances and resolutions are formal measures considered by the City Council to implement policy which the Council has considered. Resolutions govern internal matters to establish fees and charges pursuant to existing ordinances. Ordinances are laws which govern general public conduct. Certain procedures must be followed in the adoption of both ordinances and resolutions; state law often establishes those requirements. **ACTION ITEM**

### A. RESOLUTION ~~2023-02~~ DESIGNATE RECORDS CUSTODIAN

Clerk Ptak addressed council and informed them that after speaking with the city attorney there is no need to proceed with this resolution. The records custodian information is already in place.

### B. RESOLUTION 2023-02 SUPPORTING A PROPOSED BROADBAND GRANT

Mayor Everhart informed that with this resolution the city is not committing to anything it is just a supporting document for the broadband grant. Counselor Elliott made a motion seconded by Adams to authorize the Mayor to sign Resolution 2023-02 Supporting A Proposed Broadband Grant. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried

### C. RESOLUTION 94-10 CITY PROPERTY LEASE

Clerk Ptak addressed council regarding the old lease. Council President Secor explained the lease covers the road access from Hill rd. up to Bob Reynolds trailer. Further discussion on the city property and its location for the lease ensued. Clerk Ptak added that Bob does not own the property only the mobile home, and Bryce and/or Trudy Jackson own the property. The lease has been brought to councils' attention because it needs to be redone with new property owners. Elliott requested

that Clerk Ptak email Jason Rowe resolution 94-10 so that he can draw the exact legal parcel from this lease, so council knows what city property they are working with. Lease tabled waiting for more information.

D. ANNEXATION ORDINANCE 373 - 3889 HWY 21, IDAHO CITY, IDAHO - SCRIVENER'S ERROR – ACKNOWLEDGMENT OF ATTACHMENT OF PROPERTY DESCRIPTION

City Attorney Joan Callahan addressed council and explained when she and Clerk Ptak were working together to get the ordinance published they found that the exhibit A, the legal parcel description was not included in councils' packet from the March 22<sup>nd</sup> meeting. The legal description has to accompany the ordinance in publishing, so the information has been provided now so that council has all the information. No action is needed but council needs to acknowledge receipt of the legal description. All acknowledged.

E. ORDINANCE NO. 374 – WATER REVENUE BOND, SERIES 2023

City Attorney Joan Callahan addressed council and explained the bond was on the last agenda but there were missing documents. Council approved the Mayor signing the documents contingent on approval of missing documents by City Attorney Callahan. Callahan worked with DEQ who found the city's bond attorney who had all of the information needed. All information is now with council for review. Counselor Secor made a motion, seconded by Adams, pursuant to section 50-902, Idaho Code, the rule requiring that ordinances be read on three different days, two readings of which may be by title only and one reading of which shall be in full, shall be dispensed with and that Ordinance No. 374 be considered immediately. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried. Counselor Secor made a motion, seconded by Adams, Ordinance No. 374 now before the council to be approved. Heffington aye, Elliott aye, Adams aye, Secor aye. Motion carried. The Ordinance will be effective upon publication in the newspaper.

F. ORDINANCE NO. 375 – ESTABLISHING GENERAL FUND ADMINISTRATION & LAW ENFORCEMENT FEES

Counselor Secor made a motion, seconded by Adams, pursuant to section 50-902, Idaho Code, the rule requiring that ordinances be read on three different days, two readings of which may be by title only and one reading of which shall be in full, shall be dispensed with and that Ordinance No. 375 be considered immediately. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried. Counselor Secor made a motion, seconded by Adams, Ordinance No. 375 now before the council to be approved. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried. The Ordinance will be effective upon publication in the newspaper.

## VII. EXECUTIVE SESSION

Certain City-related matters may need to be discussed confidentially as a matter of law subject to applicable legal requirements; the Council may enter executive session to discuss such matters. **ACTION ITEM**

## VIII. EMPLOYEE UPDATES

### A. PUBLIC WORKS

Public Works Director Tami Claus addressed council. Montgomery Street is almost finished there is about 60 feet to go, and once it is all complete they will do a final grade. Secor added that his concern was a low section in front of the library. Claus responded the low section is where it was very wet, but when they go through to do a final grade everything will be brought up level. The road crew has fixed all the potholes on Bear Run. Part of the road is washing out and Claus needs to get with the Mayor and Secor next week to come up with a plan for repair. Bob Peck's water, the main is still frozen. Claus has checked all the valves, dug up Peck's line and there is still no water, or anything across the street. Discussion on valves and location ensued. Claus is going to show Dallas the RO system, how to clean filters, and show him how to run it. That will be Dallas's job in the mornings Monday through Friday. Mayor Everhart asked how long Dallas and Nick have been employed with the city, Claus responded a month. Mayor suggested it was time to do an evaluation. Claus is impressed with both Dallas and Nick and their work ethic. Dallas found the problem with the big truck not starting, he found the starter was bad. Claus asked if council wanted her to buy a new starter or get it rebuilt. Mayor Everhart instructed her to take it to Husky to see if it can be rebuilt. Claus added that Dallas had to take a grader tire down to be repaired due to so much sand in the well it popped the bead. Mayer Everhart added that he had talked with Claus to start looking for either a water tank that can go in the truck, or a water trailer, due the city getting rid of the dump truck. Going this route the city would not need an employee with a CDL.

### B. LAW ENFORCEMENT

Chief Otter addressed council and was hoping council would revisit the local option tax and impact fees. Otter is planning for the future and there may come a time when the city needs its own ambulance, etc. Discussion on impact fees and local option tax ensued. Mayor Everhart suggested adding it to our next agenda with next steps. Chief Otter added the department had received the immobilization wrap and the national rep is coming in next month to do training for ICPD, EBCAD, and the Sheriff's Department. Camille Wasson just finished a grant where she obtained Narcan for the PD, enough they could share with EBCAD, the school, and Sheriff's Department. Otter traveled to Heyburn, met with the Chief there and obtained Kevlar Helmets, enough for ICPD and the Sheriff's Department for free. Otter also talked with the chief in Heyburn on a police station and dog shelter. He walked Otter through USD Grants where they help rural communities with these items. Otter asked, with councils blessing he would move forward and see what was available. Mayor Everhart asked Otter if he had any update on the speed limit reader signs. Otter responded that he could get a battery for what is there, or there is a grant for brand new ones but would have to wait till October. Mayor Everhart suggested not getting a battery for the old, outdated signs but waiting for the grant. Elliott inquired on the difference between a local option tax and impact fees. Otter responded that the local option tax can be used for law enforcement, ambulance services, anything to help the city. The impact fees can only be used on infrastructure that lasts for over 10 years, such as roads and bridges. City Attorney added that the impact fee covers the actual cost a city incurs for the infrastructure for new developments, new construction.

### C. CLERK/TREASURER'S OFFICE

#### 1. SET UP A RESERVE ACCOUNT TO HOLD WATER REVENUE BOND PROCEEDS

Clerk Ptak has set up accounts in Black Mountain to hold the revenue from the water bond proceeds. Ptak is still working with US Bank to set up accounts for the bond per ordinance.

2. BUDGET UPDATES - 2<sup>nd</sup> QUARTER BUDGET REPORT

Clerk Ptak explained that the city is at 50%, water and sewer went over some. The revenue side is what really needs to be watched. Ptak explained, in water bond 3<sup>rd</sup> quarter she is hoping there is at least \$20,000 in revenue going in and by the end of the year there should be \$40,000 because the city will have the first \$40,000 due in September.

3. SET 2023-2024 BUDGET HEARING DATE – AUGUST 23, 2023

Clerk Ptak went back through when the council meetings are, publications, tentative adopt the budget last date possible and that lines up with August 23, 2023.

4. WATER AND SEWER UPDATES, ACTION ITEM

5. WATER RATE STUDY FOR TIERED BILLING – IDAHO RURAL WATER

Clerk Ptak reached out to Kerry Huss with Idaho Rural Water, and they will be discussing tiered billing next month. Claus added that she has a template that could be beneficial.

D. CITY ATTORNEY

City Attorney Joan Callahan heard from the attorney for the Sylvester's and there are a couple of conditions, but they will accept the offer. Callahan spoke with Trudy Jackson's attorney, and they are looking to push forward on the issue with the city, so Callahan will be preparing a letter that can be discussed in Executive session at the next council meeting.

IX. COUNCIL UPDATES

Counselor Adams no update. Counselor Elliott extended an invitation to Mayor Everhart on April 22<sup>nd</sup>, 10am for a walk about with the Historical Foundation to discuss what improvements on buildings could happen in the next 2-5 years. Counselor Heffington had received a couple of complaints regarding potholes on Bear Run but found during the meeting that those have been addressed. Council President Secor questioned the plan with the pile of asphalt from Montgomery. Secor suggested that Bruce Baumhoff is renting a crusher and could give the city a price to crush the asphalt on his way by. The crushed material could be used for roads or other locations.

X. MAYOR UPDATES

Mayor Everhart gave praise to the road crew for their work on Montgomery.

XI. CITIZEN COMMENTS

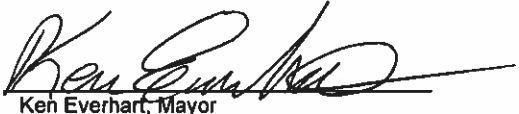
This section of the agenda is reserved for citizens wishing to address the Council regarding City-related issues that are not on the agenda. To ensure adequate public notice, Idaho Law provides that any item requiring Council action must be placed on the agenda of an upcoming Council meeting, except for emergency circumstances. Comments related to future public hearings should be held for that public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Persons wishing to speak will have 5 minutes. Comments regarding performance by city employees are inappropriate at this time and should be directed to the mayor, either by subsequent appointment or after tonight's meeting, if time permitting.

Max Wheeler questioned how far the Montgomery Street repair would be going, and Mayor Everhart responded just past Wall. Wheeler noticed the city was bringing road mix from over the hill and question why, Mayor Everhart responded closer and quicker runs, and better material. Wheeler questioned the water truck and Mayor Everhart responded the issue is Tami Claus is the only one with a CDL which is required to drive that truck. The truck in question is also very old and in need of a lot of repairs that are not worth doing considering the cost and the age of the truck. Many of the repairs needed are safety issues, until a decision on what is to be done, the truck will remain inoperable. To get a CDL one would have to go to truck drivers' school, which is expensive. As long as Claus is with the city they have a driver, but the city does not have anyone else with a CDL. Mayor Everhart further explained, that is why the city is looking for a water tank for the truck or a water trailer so there isn't a need for a CDL. Discussion on the water truck, watering, and equipment ensued.

ADJOURNMENT 7:55

ATTEST:

  
Nancy L Ptak, City Clerk-Treasurer

Date approved: 4/24/2023  
  
Ken Everhart, Mayor

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, 511 Main Street or call 208-392-4584.

<b>Mayor:</b> Ken Everhart <a href="mailto:idahocitymayor1@cityofic.org">idahocitymayor1@cityofic.org</a>	<b>Chief of Police:</b> Mark Otter <a href="mailto:icpd100@gmail.com">icpd100@gmail.com</a>	<b>Public Works Director:</b> Tami Claus <a href="mailto:idahocitypublicworks@cityofic.org">idahocitypublicworks@cityofic.org</a>	<b>City Clerk-Treasurer:</b> Nancy L Ptak <a href="mailto:idahocityclerk@cityofic.org">idahocityclerk@cityofic.org</a>	511 Main Street PO Box 130 Idaho City, ID 83631 (208)392-4584
<b>Council members:</b> Tom Secor Jr Ashley M Elliott Mari Adams Ryan Heffington	<b>City officers:</b> Brent Watson <b>Janitorial:</b> Dale Rutter	<b>Public Works:</b> Nick Mancera Dallas DeCory	<b>Deputy Clerk</b> Kaleb Goodlett <a href="mailto:idahocityoffice@cityofic.org">idahocityoffice@cityofic.org</a>	{208}392-4584 operating hours Monday- Thursday 8 am - 5 pm Friday 8am -2pm
			<b>Utility Billing Clerk</b> Sue Robinson <a href="mailto:4cityfolk@cityofic.org">4cityfolk@cityofic.org</a>	