

# CITY OF IDAHO CITY



## AMENDED REGULAR CITY COUNCIL MEETING

Wednesday, May 10, 2023

6:00 P.M

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

Join Zoom Meeting

<https://us02web.zoom.us/j/4192717240?pwd=UWJlUeHFidm5GMUliNUhFNkJKHaUZ2QT09>

Meeting ID: 419 271 7240

Passcode: iccouncil

## MINUTES

**CALL MEETING TO ORDER:** Mayor Everhart called regular city council meeting to order at 6:00 PM

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

**PLEDGE OF ALLEGIANCE:** Mayor Everhart led the pledge of allegiance.

**COUNCIL PRESIDENT SECOR MADE A MOTION, SECONDED BY ELLIOTT, PURSUANT TO IDAHO CODE § 74-204, TO ADOPT THE AMENDED AGENDA :**

1. **RESOLUTION 2023-05 AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH TOM'S SERVICE**
2. **RESOLUTION 2023-06 IPAD DONATION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE IDAHO CITY HISTORICAL FOUNDATION FOR USE OF AN ELECTRONIC TABLET**
3. **MAYOR'S LOCAL DISASTER EMERGENCY DECLARATION**

**SECOR AYE, ELLIOTT AYE, HEFFINGTON AYE, ADAMS AYE. MOTION CARRIED**

### II. 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: APRIL 26, 2023 **ACTION ITEM**

Counselor Elliott made a motion, seconded by Secor, to approve the minutes dated April 26, 2023. 4 ayes. Motion carried

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

#### C. BILLS/PAYABLES: APRIL 27, 2023 THROUGH MAY 10, 2023 **ACTION ITEM**

Council President Secor made a motion, seconded by Heffington, to pay bills dated April 27, 2023, through May 10, 2023, in the amount of \$12,231.36. 4 ayes. Motion carried.

### III. 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**

#### 1. ADMINISTRATION AND LAW ENFORCEMENT FEES

Council President Secor made a motion, seconded by Elliott, to open the public hearing for administration and law enforcement fees. Secor aye, Elliott aye, Heffington aye, Adams aye. Public hearing opened at 6:05. Clerk Ptak explained items open for the public hearing as follows – Event Checklist \$50 application fee for profit organizations, \$25 for non-profit, & \$10 for students. Idaho City Filming Permit Application fee of \$25, & Idaho City Filming Permit per day fee of \$25, & \$10 for non-profit. Idaho City Mobile Food Truck Permit Application fee of \$25, & a \$20 per day fee not to exceed 5 days in one location. Idaho City Police Department after hours fee (dusk to dawn) \$37.50 an hour per officer determined by the Chief of Police. No one was present for the public hearing and no emails or phone calls were received. Secor made a motion, seconded by Elliott, to close the public hearing. Secor aye, Elliott aye, Heffington aye, Adams aye. Motion carried. Public hearing closed at 6:08

### IV. ENGINEER'S REPORT

Mayor Everhart did not have any information from the engineers but had received some information regarding possible water right that the city may not need to purchase but could enter into a long-term lease. The water right is an early 1900's, Mayor Everhart will be reaching out to the engineers to begin the process of possibly acquiring a long-term lease.

## V. 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**

### 1. RESOLUTION 2023-04 ADMINISTRATION AND LAW ENFORCEMENT FEES

Council President Secor made a motion, seconded by Elliott, to adopt Resolution 2023-04 Administration and Law Enforcement Fees. Secor aye, Elliott aye, Heffington aye, Adams aye. Motion carried.

### 2. RESOLUTION 2023-05 AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH TOM'S SERVICE

#### a. LEASE AGREEMENT WITH TOM'S SERVICE FOR GENTRY'S OUTPOST & LEON'S CAFÉ

Mayor Everhart explained the lease agreement is with Tom's Service for Gentry's Outpost & Leon's Café. The basis of which is, a portion of the business that was built on city property many years ago. To keep everything legal a lease agreement was created for that sliver of property. City Attorney Callahan further explained that the prior lease was only for the encroachment and there was an informal agreement for the parking lot maintenance. Based on discussion at the last council meeting, it was decided to add to the lease the maintenance of the parking lot as a part of the lease agreement. Counselor Elliott made a motion, seconded by Heffington, to approve Resolution 2023-05 and authorize the Mayor to execute a lease agreement with Tom's Service. Heffington aye, Elliott, aye, Secor abstain, Adams aye. Motion carried.

### 3. RESOLUTION 2023-06 IPAD DONATION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE IDAHO CITY HISTORICAL FOUNDATION FOR USE OF AN ELECTRONIC TABLET

#### a. MEMORANDUM OF UNDERSTANDING

Council President Secor made a motion, seconded by Heffington, to approve Resolution 2023-06 and authorize the Mayor to execute a memorandum of understanding with the Idaho City Historical Foundation for use of an electronic tablet. Secor aye, Elliott abstain, Heffington aye, Adams aye. Motion carried.

### 4. ORDINANCE NO. 376 CHRONIC NUISANCE PROPERTY

City Attorney Callahan explained the ordinance incorporates into code with the existing nuisance section Idaho City already has and adds additional information needed. Elliott questioned the broadness of the Owner definition within the Ordinance and Chief Otter explained, it gives him the discretion to decide who the problem is and move forward. Mayor Everhart added that it gives the ability to address the situation how it needs to be addressed rather than to a specific person.

Counselor Secor made a motion, seconded by Elliott, 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. 376 be considered immediately. Secor aye, Elliott aye, Heffington aye, Adams aye. Motion carried. Counselor Secor made a motion, seconded by Elliott, Ordinance No. 376 now before the council to be approved. Secor aye, Elliott aye, Heffington aye, Adams aye. Motion carried. The Ordinance will be effective upon publication in the newspaper.

## VI. OLD BUSINESS

### 1. IDAHO CITY ENDURO 100 – BOISE RIDGE RIDERS AMENDING ROUTE. **ACTION ITEM**

Scott Trosper with Boise Ridge Riders addressed council and explained they were unsure if the Ridge Riders would need to amend their proposed route. Trosper is working with land managers, forest service, & state lands to provide an alternate, should they not be able to access some of route at its highest elevation. The impact the amended route would have on the city is, their ingress and egress would be on Centerville Rd. and would need access to Montgomery St. Trosper further explained that if the Ridge Riders needed to amend their route they would provide road guards, etc. Chief Otter asked if Trosper had been in contact with the Sheriff's Department, and he responded yes, that he had provided the proposed amended route. Otter further explained that ICPD may need to know if the route is amended or not because if the Sheriff's Department does not provide a deputy for Montgomery ICPD may have to. Elliott requested the Ridge Riders let council know by the next meeting on May 24<sup>th</sup> if their route will be amended or not. Secor made a motion, seconded by Elliott to approve the Idaho City 100 Boise Ridge Riders amended route if needed according to snow conditions. 4 ayes. Motion carried.

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

Council President Secor made a motion, seconded by Adams, to approve the Mobile Food Truck Permit Application as written. 3 ayes, Elliott abstain. Motion carried.

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

Counselor Heffington made a motion, seconded by Adams, to approve the Idaho city Filming Guidelines, Application, and Permit as written. 4 ayes. Motion carried.

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

Clerk Ptak informed council the property up for discussion and deferred to Counselor Elliott to explain. Elliot explained that there is a document stating that the city owns the piece of property. There was a survey done on it by Verline Gullick less than five years ago before she sold in an attempt to title the piece of land but was unable to because there is no parcel number. Elliott further explained that because now there is a legal description for land it can be given a parcel number and the city owns the land. Clerk Ptak added that she tried to explain this to Boise County, and they will not go for it. Discussion on the property, parcel number, and the lease ensued. City Attorney Callahan added she could reach out and see what information she could get.

### 5. LOCAL OPTIONS TAX CHECKLIST – DISCUSSION

City Attorney Callahan addressed council and explained the local options tax checklist that was provided. The items that have an X have already been previously discussed by council and the other checkbox items are things that need to be decided. Under

Requirements, council would need to provide findings on the economic impact and revenue generated from recreational purposes or visitors. Under Tax itself, the items are, 1) how long to set the tax for, 2) the purpose of the tax (capitol improvement, including maintenance and improvement of roads, water & sewer systems, and direct costs to collect and enforce the tax), 3) methods for reporting and collecting tax due, and 4) noncompliance (how to enforce). Under Budgeting, 1) City property tax relief fund must be created if more is collected than budgeted and excess will be used for property tax relief for citizens in the following year (50-1045), and 2) determine the budgeted amount. Under Public Hearing, A public hearing is likely required once the ordinance is fully set forth and then after the hearing the Council could adopt a resolution to send the question to an election. And finally Election, which can be a special or general election and must pass by 60% majority. Mayor Everhart requested the local options tax discussion be put on the next agenda, giving council time to go over items on the checklist and get more input. Discussion on the checklist items, Air BNB, overnight rentals, etc., ensued. Mayor Everhart requested that Clerk Ptak gather information regarding forms and administrative items for the next meeting. With that information a decision can be made to see if the tax is even a viable option. Discussion on budgeting for the tax and other concerns ensued. Elliott asked City Attorney Callahan where the city might gather the information on income and economic wellbeing for the first item on the checklist. Callahan responded that she had done some research on how to prove the basis of the city's economic wellbeing. Some of the statistics she found were not narrow enough for the city of Idaho City but some of the information would need to come from business licensing and what kinds of licenses those were. Discussion on other information gathering avenues ensued. City Attorney Callahan added that Crouch had been through this process, and they may be willing to provide information.

## VII. NEW BUSINESS

### 1. SECOR PROPERTY SWAP discussion WITH CITY

Gary Secor addressed council and explained he has heard over the years that the city needs a restroom area closer to the park. Secor has a vacant lot close to the park and city shop, and proposed a swap with the city for the parking lot that he would be leasing. Discussion on the proposal and swap ensued. Mayor Everhart deferred to City Attorney Callahan on the process for such swap, and Callahan responded that the city could exchange property for equal or lesser value which would be determined by appraisal. Secor would need to have his property surveyed and appraised, and the city would need to do the same. Discussion ensued. Counselor Heffington suggested that Secor put together a proposal for what land area he is wanting to swap with the city. Heffington directed the Mayor and staff to meet with Mr. Secor to figure out what portion of the parking lot he is wanting to swap and then council could look through the details and checklist to see if it is an equitable exchange. City Attorney Callahan suggested that for the next council meeting adding an executive session for acquiring an interest in the property.

### 2. MAYOR'S LOCAL DISASTER EMERGENCY DECLARATION

Mayor Everhart explained that when this came up the creek was about ready to breach the banks. The last time this happened with the creeks there was an issue that damaged pumps and the city could not receive any aid. Looking at the situation this year Mayor wanted to get ahead of the issue in case there was a disaster so the city could receive emergency funding to help resolve the issues. Secor explained that the county has to declare a disaster emergency before the city could declare. Clerk Ptak added that there are steps involved once the declaration is made. Discussion ensued. City Attorney explained that once the Mayor executes the declaration it would last for 7 days. At some point in those 7 days council would need to meet to discuss further action. What are the procedures and limitations needs to be established for duration of emergency, City Council passes resolution that includes steps to address emergency – drafted or reviewed by city attorney, and what Duration should be until the emergency is resolved. Discussion ensued on the current situation and whether to declare. With the information provided Mayor Everhart decided to hold off on the declaration and he would keep an eye on the creek and weather. Secor questioned the decision to wait because the city does not know what damage may have already been done when the creek was so high. Public Works Director Claus explained that there is a sewer line that runs across Elk Creek that is encapsulated in a culvert that is suspended above the creek. When the creek was at its highest point it was brushing against the bottom of the line and if a log happened to float down it would destroy the sewer line. Currently the water level is down but the weather is supposed to warm up and there is still quite a bit of snow at the summit. There is also a log down on the other side of the creek that cannot be reached and if the water level comes up it could hit the sewer line. With the new information provided the Mayor decided to sign the emergency declaration. A special meeting was scheduled for May 16<sup>th</sup> at 6pm to move forward on the other steps.

## VIII. 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**

### 1. I.C. SECTION 74-206(1)(F) TO COMMUNICATE WITH LEGAL COUNSEL ABOUT IMMINENTLY LIKELY LITIGATION.

Council President Secor made a motion, seconded by Elliott, pursuant to Idaho Code § 67-2345, to adjourn to Executive Session to discuss imminently likely litigation. Secor Aye, Adams aye, Elliott aye, Heffington aye. Called into session/adjourned at 7:15. Mayor Everhart called back into regular session at 7:50

## IX. EMPLOYEE UPDATES

### 1. PUBLIC WORKS

Public Works Director Claus addressed council and explained her crew would be grading Montgomery every Friday until Mag comes in and that is scheduled for the 13<sup>th</sup> or 14<sup>th</sup> of June. Claus is looking into a water tank that will fit in the back of the truck. The dump truck is starting and running, and up at the cemetery being loaded. When it is full Claus will be called to dump it. Claus wants to put a burn pile at the rodeo grounds in the parking lot which will be burnt up and spread out before the first rodeo in June. There will also be a burn pile at community hall on the slab in the clay area. May 11<sup>th</sup> the other sand bay will be cleaned with the help of inmate labor. Public works put the sand from the sand bay in the backhoe and took it down to the ball fields for Dax Olvera. There was more vandalism at the bathrooms for the ballfields. One of the dividers in the men's room was ripped off the concrete wall. Claus provided Olvera with a key to the bathrooms so that they can be locked, and Olvera can open for practice/games and lock when they are finished. Discussion on vandalism, public use, and trash ensued. Cemetery is being cleaned by inmate labor. They are pulling things down to the lower road which is extremely muddy. To keep from getting the dump truck stuck Claus will pick things up later in the summer. Claus added that public works is running a culvert down Bear Run and they will need to close Bear Run from just below the Senior Center to Main St. and traffic will be detoured. Discussion on the RV dump water situation ensued. Mayor Everhart added that there was discussion on doing a

count of the number units in the RV parks and Claus responded that has not been done as of yet. Claus will be starting that Thursday, May 11<sup>th</sup> but would potentially need Police escort. Claus will coordinate with Chief Otter to get this done.

2. LAW ENFORCEMENT

Chief Otter addressed council and informed them that he would look into the vandalism at the ball field bathrooms. Otter explained that the county had put in cameras at their facilities and linked them all to dispatch and maybe it was time the city look into something similar. Discussion on cameras ensued.

3. CLERK/TREASURER'S OFFICE

a. BUDGET UPDATES - APRIL 2023

Clerk Ptak addressed council on the budget. Need to keep an eye on water and general revenue areas, until more revenue comes in. The next big receipt is in July. There is not a lot that can be done in the water area due to the large expenditures in the beginning. Ptak further explained that there will be water rate increases.

b. WATER AND SEWER UPDATES, ACTION ITEM

Clerk Ptak informed council there were a few accounts of concern. This is also some of the information for the water rate study. The city may have to redo the ordinance on how the city deals with late and continuously late accounts. Ptak added that in councils' packet was a breakdown for what is needed for the water rate study. Ptak is hoping to get it completed by next budget season. There is an intensive excel spreadsheet to work with to produce different ideas, tiers, and rates that the city will need to charge for repayment of the bond. Ptak and Kerry Huss at IRWA will gather the information for the study and Jack Cook with IRWA will do the rate for the city. Discussion on the rate and increases ensued.

c. PUBLIC RESTROOM AUTOMATIC LOCKS

Deputy Clerk Goodlett addressed council and informed them on the information he gathered. Locks are \$1000 dollars or more plus installation. Anytime Lock & Key had the lowest pricing coming in under \$900 per lock. The locks are battery operated and able to be programmed to open and lock when needed. Discussion on cameras and locks ensued.

4. CITY ATTORNEY

City Attorney Callahan addressed council and thanked Clerk Ptak and Claus for providing a tour of the city facilities.

X. COUNCIL UPDATES

Secor no update, Elliott reminded everyone of the Historical Foundation yard sale. Ptak informed Elliott that the city still needs the event checklist for that event. Mayor Everhart added that he has spoken to Beth Wilson, and she would have all the information to council by the 24<sup>th</sup> meeting. Heffington no update.

XI. MAYOR UPDATES

Mayor Everhart thanked Claus and her crew for all their hard work.

XII. 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.

Rhonda Jameson had some questions but there were some issues hearing during the meeting. Jameson asked if there was anyway to improve the sound quality would be helpful on the zoom meetings. Jameson was interested in improvements for the visitor's center bathrooms and getting an additional restroom for the public further down Main St.

ADJOURNMENT 8:28

ATTEST:

Date approved: 5/24/23

  
Nancy L Ptak, City Clerk-Treasurer

  
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>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 9am -3pm
			<b>Utility Billing Clerk</b> Sue Robinson <a href="mailto:4cityfolk@cityofic.org">4cityfolk@cityofic.org</a>	