

CITY OF IDAHO CITY



REGULAR CITY COUNCIL MEETING

Wednesday, June 28, 2023

6:00 P.M

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

Join Zoom Meeting

<https://us02web.zoom.us/j/4192717240?pwd=UWJUeHFjdm5GMUliNUhFNkJKHaUZ2OT09>

Meeting ID: 419 271 7240

Passcode: iccouncil

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.

Mayor Everhart addressed the citizens in attendance and asked if the majority were here due to the incident that happened Saturday June 24th. Mayor explained that Chief Otter would give his update and then open the floor to citizen comments. (see item Employee Updates - Law Enforcement below in **BOLD**)

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: MAY 24, 2023 **ACTION ITEM**

Council President Secor made a motion, seconded by Elliott, to approve the minutes dated May 24, 2023. 4 ayes. Motion carried

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

1. IDAHO CITY FIRE PROTECTION DISTRICT 4TH OF JULY PARADE & FIREWORKS.

Counselor Elliott questioned if Chief Otter had been contacted for this event. Chief Otter responded yes he had spoken with Terry Teeter and police will be doing the roadblock, etc. Council President Secor made a motion, seconded by Heffington, to approve the Event Checklist for the Idaho City Fire Protection District 4th of July Parage and Fireworks. 4 ayes. Motion carried.

2. IDAHO CITY HISTORICAL FOUNDATION 4TH OF JULY IN THE PARK

Council President Secor made a motion, seconded by Adams, to approve the Idaho City Historical Foundation 4th of July in the Park. 4 ayes. Motion carried. Council President Secor made a motion, seconded by Heffington, to approve an alcohol variance for the 4th of July in the Park 11am to 4pm on July 4th. 4 ayes. Motion carried.

II. BILLS/PAYABLES: MAY 25, 2023 THROUGH JUNE 14, 2023 & JUNE 15, 2023 THROUGH JUNE 28, 2023 **ACTION ITEM**

Council President Secor made a motion, seconded by Adams, to pay bills dated May 25, 2023, through June 14, 2023, in the amount of \$24,179.21. 4 ayes. Motion carried. Council President Secor made a motion, seconded by Heffington, to pay bills dated June 15, 2023, through June 28, 2023, in the amount of \$82,363.26. 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**

IV. ENGINEER'S REPORT

A. MOUNTAIN WATERWORKS – WATER FACILITY PRESENTATION

Mike Woodworth with Mountain Waterworks addressed council with his update on the facilities plan. Mountain water works assisted the City in putting together a letter of interest for drinking water upgrades to DEQ in January of 2023. Those preliminary rankings came out about 6 weeks ago and are intended to be finalized by July 1. Idaho City ranked 4th in drinking water and 7th overall out of 106 applications, the top 16 will be funded. Idaho City could receive up to 3.4 million dollars in grant funding for drinking water upgrades. This will not require the city to take out any bonds and will not have any impact on the current customer bills. Woodworth explained the purpose of the facilities plan is focused on documenting existing water system infrastructure and capacity, evaluate system demand and future demand projections, identify deficiencies, and provide infrastructure improvement recommendations. The facilities plan is also a planning tool for the City to understand the current system and strategize for the future (~20 years). Woodworth showed the water system production from Dec 2018 – Dec 2022 and explained the average day demand is quite high which may suggest there may be some leakage in the system. The city currently has 2 water rights, one is surface water from Elk Creek and the other is groundwater. Woodworth explained the city's sources of supply, the treatment in place, pumping facilities, storage facilities, and finally the transmission and distribution facilities. Woodworth went on to explain the systems primary deficiencies beginning with the source of supply and breaking that down to the surface water treatment facility and the groundwater source. Then moving on to the two storage facilities, the booster pumping station, the distribution system, and finally the communication and controls. Woodworth explained the primary project alternatives. Reconstruction of the Elk Creek Intake, Acquisition of Senior Water Rights, Booster Station Electrical and Pumping Upgrades, and Instrumentation of PRV Vault. Then moved on to transmission and distribution primary project alternatives consisting of leak detection, high priority leak repair, Main street water main replacement, Highway 21 water main replacement, and Walulla to Mores Creek water main replacement. With Idaho City potentially receiving \$3.4 million for water improvements, Woodworth then explained a list of projects that the city could have done with that funding. The next steps would be to finalize the facility plan, following the presentation Mountain Waterworks will submit to DEQ for technical approval, following technical approval will complete environmental documentation, have public comment period, formally select alternatives, and finalize Leading Idaho Funding Package. Discussion on different project alternatives ensued.

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**

VI. OLD BUSINESS

A. CHILDREN PEDESTRIAN SAFETY PROJECT AGREEMENT. **ACTION ITEM**

Mayor Everhart explained this is another grant the city is approved for in the amount of \$250,000 for a walkway. Clerk Ptak added the paperwork was originally started by law enforcement, and she completed it, but needed to know what the plans are moving forward. Discussion on who would oversee the project and other details ensued. Chief Otter added he would have Camille Wassom look into this and get the information needed. Council President Secor made a motion, seconded by Adams, to authorize the Mayor to sign the Childrens Pedestrian Safety Project Agreement. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried.

VII. NEW BUSINESS

A. APPROVAL FOR MAYORS SIGNATURE ON PARTIAL PAY REQUEST REIMBURSEMENT #2 FROM DEQ FOR DW-250-2023-1. **ACTION ITEM**

Council President Secor made a motion, seconded by Adams, to authorize the Mayor to sign Partial Pay Request Reimbursement #2 from DEQ for DW-250-2023-1. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried.

B. USDA FOREST SERVICE WATER BILL NEGOTIATION ACCOUNT 20065. **ACTION ITEM**

Counselor Elliott explained the policy for forgiveness of 50% if provided proof of repair. Clerk Ptak provided council usage history and explained there have been issues with this account in the past. Brett Barry with the Forest Service addressed council and explained they spent \$340,000 last year on transmission and distribution line upgrades throughout the compound. When turning the system on in February a leak was found and then repaired. In June received a \$50,000 water bill and did not understand how that was possible. Discussion on the meter readings ensued. Public Works Director Claus added that during the upgrades that were being done the Forest Service had called her, inquiring on replacing the meter. Claus provided all the information, but the meter was not replaced. Discussion on reading the meter and its size ensued. Claus added when the Forest Service had their leak it was a 60,000 gallon a day leak and that she would be shutting the meter off until the repair was made. Discussion on billing and adjustments ensued. Mayor Everhart added after he had looked through the readings it appeared that a zero had been added here and there by the system. Mayor Everhart suggested sitting down with Claus and Ptak to figure out the adjustments needed and then move forward with the bill. Discussion of the number of digits on the meter ensued.

C. LIMITED GEOTECHNICAL EVALUTION MONITORING WELL INSTALLATIONS – CITY OF IDAHO CITY WWTP. **ACTION ITEM**

Mike Woodworth explained to council that one of the new compliance agreements for the wastewater permit is to install monitoring wells to allow for an increased number of samples. This will allow enough data to evaluate and separate the impact the lagoon is having vs the RI process on both surface and ground water. Council President Secor made a motion, seconded by Adams, to approve the bid from Strata and authorize the Mayor to contact them. Council President Secor amended his motion, seconded by Adams, to authorize the Mayor to sign the contract with Strata based on the approval from the City Attorney. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried.

D. 107 HILL ROAD REMOVAL FROM HISTORIC DISTRICT. **ACTION ITEM**

Susan Kelly addressed council and explained they had purchased the property in 2019 and have gotten things cleaned up. Kelly added this is their third request to be removed from the Historic District and that they be allowed to build on the property. They have submitted plans for a pole barn and would like to move forward. Mayor Everhart explained that to remove the property from the district the boundaries would have to be redrawn which would incur fees to do that. City Attorney Callahan explained the Historic District was created by ordinance by the city which included a map and legal description. In order to change the boundaries of the District the City Council would need to revise the ordinance which would include revising the legal description. Council President Secor noted the historical and architectural significance of the site. The Mayor discussed the Commission no longer has a sufficient number of appointed members to operate. Therefore the matter is before the Council. There was further discussion about the plans that were submitted by the property owner and that they appeared to meet the applicable standards in the historic district with the exception of the siding. Ideas were discussed about siding that would not be unduly expensive and acceptable. The Council acknowledged the qualifications of Rhonda Jameson on this subject matter. The Council directed the Administrator (Clerk Ptak) to approve the building permit based on the recommendation of the consultant (Rhonda Jameson) on the appropriateness of the siding.

VIII. COMMITTEE REPORTS

- A. PARKS & RECREATION COMMISSION
- B. HISTORIC PRESERVATION COMMISSION
- C. PLANNING & ZONING COMMISSION

John Adams informed council that they are going over the comprehensive plan to come up with any feedback to submit to Council.

D. IDAHO CITY CHAMBER OF COMMERCE

Shelly Heffington informed council their treasurer had passed away so they will be filling that space with Dave Massey from ICCU, who is also helping with some other funding and grant opportunities. The grants and funding that have been found so far are for improvement of community rural areas such as the Visitors Center and or bathrooms. The Chamber is looking into purchasing Porto-potties to be used for events but does not know where to store them.

IX. 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**

~~A. I.C. SECTION 74-206(1)(b) CONSIDER PERSONNEL MATTERS~~

X. EMPLOYEE UPDATES

A. PUBLIC WORKS

Public Works Director Claus informed council she has been in contact with DEQ and in order to stay in compliance the wells have to be done by the end of August, and the fence needs to be up by the end of July. After speaking with DEQ Claus has until October to get the fence completed but would like to hire out for the fence due to time. There will be a water and wastewater hook up at 211 Commercial. Discussion on the hook up ensued. The manhole for Mores Creek will be cored Thursday the 29th. Claus needs to find a backflow prevention company due to Pacific no longer answering. Mayor Everhart suggested that IRWA should have someone. Clause added that the businesses in town need to have their backflows tested and would like to have letters sent out. She has not received any testing information in some time. Claus would like to install the culverts next week and patch the potholes after the culverts are completed on Bear Run. The RO system is up and running 2-3 times a week. Claus questioned the ordinance pertaining to large overweight trucks on Main St. because the same ones continue to use Main and cause more pothole issues. Mayor Everhart requested Claus record the trucks on Main and contact their offices. Chief Otter added that Claus could provide him with the license plates, and he can move forward.

B. LAW ENFORCEMENT

Chief Otter explained he could not provide much of an update on the situation that occurred Saturday June 24th because it is an open investigation. Otter had talked with the Mayor, and they have come up with a plan. Chief Otter and his other officer will be patrolling during peak hours to allow them to do enforcement during those hours when incidents are occurring. Otter further explained there are other wheels turning but he could not get into details due to the open investigation. Mayor Everhart addressed the citizens and explained he and Chief Otter spoke Sunday morning after the incident and have been in close contact since. Mayor has also been in contact with the City Attorney, and they feel at this time this is the best solution to upgrade the policing of the problem area and get the situation under control as quickly as possible. Mayor Everhart opened the floor to citizen comments (see below in **BOLD**).

C. CLERK/TREASURER'S OFFICE

Clerk Ptak addressed council and explained they have the budget report that she would be publishing.

1. WATER AND SEWER UPDATES, **ACTION ITEM**

- a. POSSIBLE COLLECTION OR LIEN DISCUSSION – 20291 (204 LAINEY LN)
- b. POSSIBLE COLLECTION OR LIEN DISCUSSION – 20293 (232 MORES CREEK DRIVE)

Clerk Ptak informed council all of the current bills are in payment or have been caught up with the exception of the 2 Element Constructions bills. After discussion with the City Attorney the city cannot put a lien on the properties but could send to collections. Mayor Everhart questioned why the city could not place a lien and City Attorney Callahan answered because there is no statutory authority to allow cities to lien properties for water. Council suggested sending a letter and Callahan responded that she could put something together. Discussion on the properties and utilities ensued.

2. WATER SEWER ADJUSTMENTS

Clerk Ptak provided the adjustments sheet to council for review and initials.

D. CITY ATTORNEY

City Attorney Callahan informed council on the Amicus Brief lawsuit regarding how the city can contract or not with landlords for unpaid water and sewer bills. The brief was submitted on Friday and the Supreme Court accepted and filed it. The next step would be the City of Moscow will file another brief that responds to all the reasons that the property owners think that the District Court was correct. Then the Supreme Court will schedule it for oral argument.

XI. COUNCIL UPDATES

Secor no update, Adams no update, Elliott added she believes the ICPD have done a great job with how thin they are stretched, the budget they work with and thanked them, Heffington no update.

XII. MAYOR UPDATES

Mayor Everhart thanked everyone for providing input and answering questions as needed during the meeting.

XIII. 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.

Bobby Mathews addressed the council and explained that he has had enough with the situations going on. Mathews went on to explain numerous situations with having the Goldmine as a neighbor. Father's Day Sunday came home to someone on his property severely intoxicated and after speaking with them found out they had been drinking the night before at the Goldmine and attempted to drive home but couldn't and decided to sleep it off at Mathews place. Mathews had a trail camera stolen and was able to capture a picture of the owner's car who happened to be an employee at the Goldmine. Mathews went on explaining many situations where individuals leaving the Goldmine end up on his porch and get a DUI. He has had parking issues and many others. Mathews asked the Mayor, Chief, and Council to take care of the situation. Mayor Everhart responded and personally apologized that things have not been dealt with to a better extent sooner and to take his word that the city will do everything it can to get this situation resolved.

Shauna Asher informed the council of her proximity to the situations that are happening. She has had to instruct her children & grandchildren not to go outside without an adult present because of the individuals across the street. Asher further explained the motorcycle club from the situation Saturday the 24th have been coming up to Idaho City for the last 4-6 months, and what things they are involved with and how that can affect the town. Asher explained that she did not move to Idaho City to be in fear for her life but to allow her children to grow up in a place where they can run and play freely without having constant supervision.

Jason Elliott informed the council of a situation that occurred last year. Elliott and family had witnessed a fight break out outside the Goldmine that then moved over to the old Chalet. Elliott attempted to intervene but was stopped by Steve Twilegar and told to leave. Elliott responded no and attempted to go around but was shoved by Twilegar and again told to leave. At that point someone had said, "cops", and Twilegar and associates returned to the bar. Shawndel Elliott added that witnessing this situation she had noticed multiple people coming out of the bar collapsing and falling down drunk from being over served.

Greg Neubert addressed the council and the citizens informing them that he was a former law enforcement for 29 years in a major city. Neubert provided an insight to what could happen with this motorcycle club and other situations if not dealt with quickly. Neubert explained his experience with 1% motorcycle clubs and how they infiltrate cities and towns.

Rose Adams informed the council and the citizens that she moved to Idaho City to get away from the bad things happening in California and has been seeing the same kind of thing happening here over the last couple of years. Adams spoke of questionable neighbor activity and that there was a shanty built on the property next to hers that she has heard some things about. Adams had spoken with the county about said shanty and the county said they were watching it. Adams added that the Goldmine is the only bar in town having these situations and they have them repeatedly.

Todd Rydel believed that there was only one reason the motorcycle club would be coming to town, and that was to cook meth and get it for the children. Rydel has children and moved to Idaho City to be safe and keep his kids away from that environment. Rydel explained that he witnessed the video of the situation Saturday night and saw the same club in town on Sunday. His worry is that they are doing something and Rydel does not want that around his kids. Rydel would like to see a plan come from this meeting to deal with these situations.

Sherriff Scott Turner addressed the council and the citizens to inform them that the Sheriff's Department is here to support the citizens and city, as well as the citizens of Boise County. Turner explained that he and his department do not work for the County Commissioners and if someone were to see a commissioner threatening a Deputy they need to report it. Turner assured everyone present that the Sheriff's Department would do everything they can. Agencies from the FBI, DEA, ATF, Intelligence agencies, State agencies, and other local law enforcement agencies have been reaching out since the June 24th incident to provide assistance. Turner added that the Boise County Sheriff's will assist Chief Otter, the Mayor, and City Council to do what needs to be done to resolve the problem and make the citizens feel safe in their homes.

Kathy Staneart addressed the council and the citizens to inform them that she is planning to go to the County Commissioners meeting next week to ask for Steve Twilegar's resignation. If any other citizens would like to come.

Brooke Crawford explained that her husband works for the Sheriff's Department and when the call came for the June 24th incident, she not only had to worry about her husband but also her brother. Crawford explained the biker gang involved is known for searching for vengeance. Her concern is could that vengeance come back to her family or the Sheriff's Department because of what happened in that incident. Crawford questioned, why in the past there was an issue with a bar in town and that situation was taken care of. Now there is another bar causing problems and they are not being reprimanded.

Glory Andrews explained she has worked at Idaho City Grocery for the last two and half years. She lives right across the street from the store, which is next to the Goldmine, and when closing has had co-workers stay to watch her walk home to ensure her safety. June 24th Andrews heard the gunshots in her house and worried about family and co-workers at the store. Andrews reiterated that this situation has to stop.

Mayor Everhart addressed the community and explained the city only has two officers and needs the help of the Sheriff's Department, State Police, and the community. The City needs the community to help provide information when possible. Sheriff Turner added that roughly 4-5 years ago the department was addressing approximately 700-900 call per quarter, and now they are between 1400-1700 calls per quarter. Chief Otter explained that because both city officers will be covering the problem time zones it leaves a lot of open time that is not covered. Citizens need to file complaints and provide information if needed.

Brenda Secor asked about city ordinances and questioned the ordinance regarding liquor licenses. Chief Otter responded, that is another step they are taking because there are some things in that ordinance that are now illegal and need to be rewritten. Mayor Everhart added that he had gone through the liquor license ordinance and had a meeting with the City Attorney and Chief Otter. The ordinance was signed into law in 1997 and since that time there have been changes to constitutional rights that make parts of the ordinance illegal to enforce, and if the city did enforce them it would open up the city to potential lawsuits. Discussion on the ordinance and its contents ensued.

Chief Otter added the city does not have 24-hour coverage but will focus on the busier times to ensure coverage when things could happen. A citizen spoke of crimes not always occurring during the peak hours but when things are quiet. Mayor Everhart explained this was the reason the city brought on another officer to cover the quieter times when other activities could be happening. Now with the current situation the officers will be covering the peak times to resolve the issue. Mayor Everhart encouraged citizens to document things going on and report so that the city could potentially shift officer focus to those times or areas. A citizen questioned if the County and City needed to team up in order to write or enforce city code. Sheriff Turner responded that the Sheriffs could not enforce city code unless there were a contractual agreement in place. Mayor Everhart added that if Sheriff Turner and Chief Otter were willing, he would be agreeable to getting a mutual agreement put in place so that the Sheriffs could enforce City code. Discussion on the County Commissioners meeting ensued. Mayor Everhart thanked all of the citizens for showing up and voicing their concerns.

Mayor Everhart called a short recess at 6:59pm. Mayor Everhart called meeting back into session at 7:06pm to begin Consent Agenda (see Consent Agenda above).

ADJOURNMENT 9:16pm

ATTEST:

Date approved:

7/12/2023



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.

Mayor:
Ken Everhart

Chief of Police:
Mark Otter
icpd100@cityofic.org

Public Works Director:
Tami Claus
idahocitypublicworks@cityofic.org

City Clerk-Treasurer:
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Tom Secor Jr
Ashley M Elliott
Mari Adams
Ryan Heffington

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(208)392-4584
operating hours
Monday- Thursday
8 am - 5 pm
Friday 9am -3pm