

# CITY OF IDAHO CITY



## REGULAR CITY COUNCIL MEETING

Wednesday, July 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=UWJUeHFidm5GMUIiNUhFNkJKHaUZ2QT09>

Meeting ID: 419 271 7240

Passcode: iccouncil

**CALL MEETING TO ORDER:** Mayor Everhart called regular city council meeting to order at 6:01 PM

**ROLL CALL:** Clerk Ptak called roll, Heffington, Adams, Secor in attendance, Elliott absent. Elliott attended at 6:05

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

Council President Secor made a motion, seconded by Adams, to amend the agenda to add the Mountain Waterworks Task order No. 294-08 as an action item so the emergency work can proceed. Heffington aye. Adams aye. Secor aye. Motion carried. Mayor Everhart addressed the citizens in attendance that would like to address the council regarding a previous issue that happened in town. Mayor Everhart moved the citizen comments to the beginning of the agenda to allow them to speak. (See citizen comments 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: JUNE 28, 2023 **ACTION ITEM**

Council President Secor made a motion, seconded by Adams, to approve the minutes dated June 28, 2023. 4 ayes. Motion carried

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

#### 1. JACK PINE ROUNDUP – AUGUST 25 & 26, 2023

Mayor Everhart explained that he had a brief talk with Chief Otter who has not seen the Event Checklist to do his approval. Mayor Everhart suggested moving this item to next meeting to allow time for Chief Otter to go over the Event and get all the details. Item moved to the next agenda.

### C. BILLS/PAYABLES: JUNE 29, 2023 THROUGH JULY 12, 2023 **ACTION ITEM**

Council President Secor made a motion, seconded by Adams, to pay bills dated June 29, 2023, through July 12, 2023, in the amount of \$9,160.75. 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**

### A. PUBLIC HEARING FOR PUBLIC USE OF MYERS STREET

Council President Secor made a motion, seconded by Elliott, to open the public hearing for public use of Myers Street. Secor aye, Adams aye, Elliott aye, Heffington aye. Public hearing opened at 6:17. Mayor Everhart explained that the city wanted to allow the citizens a chance to voice the validity of the use of Myers Street up to Hill Rd. as a public thoroughfare.

Connie Runia, Trudy Jacksons attorney addressed council and explained this issue came up because Trudy had questions with some encroachments to her property. After having a survey done it showed there were in fact encroachments to Jacksons property. Runia had submitted written comments with pictures, etc. and further explained it is not Jacksons desire to instigate or bring litigation to the city. A letter that was sent in January was meant to draw attention and ask for a conversation to resolve issues. Runia asked the city to reconsider the response to the January letter and engage in a way to resolve the issue. Runia then asked council if they had any questions for her. Heffington no questions. Elliott asked when Jackson purchased the properties and Runia responded one in 2006 and the other in 2011. Adams no questions, Secor no questions. Mayor Everhart's only comment is the he has lived here permanently since 1999 and Myers Street has been there and in use since then. He had no idea until this issue came up that Myers was not a platted road because it shows on all the maps, etc. Mayor Everhart added that the city does not want litigation either, but to his knowledge the road has always been an active in use road. The city plows the snow, does some maintenance, and there are city utilities that run under Myers as well.

**Brenda Secor** explained that she has been married to her husband for 28 years and Myers has always been there. If discussing Myers St and private property then another neighbor (Hinz) should be discussed because the Jacksons use his property to access theirs.

**Buzz Armfield** explained that he used to own 203 Myers, and if Myers were closed it would virtually eliminate access to that property. During the winter, the property had to be accessed from Hill Rd. coming down Myers. Armfield had been on the property since 1993 and there was not much maintenance done in the 3 years he lived there. Armfield added that on surveys he had done it showed Myers as an old stage road and has been there quite some time.

**Ted Jewell** explained that he would like to see the road stay open, it is one of the 2 ways he gets home. Jewell explained that he would like to see it connected to a trail system. Mayor Everhart asked Jewell to please keep comments to the current road and usage, not future potential plans.

**Bryce Jackson** explained that Myers is not used or maintained much. Walulla gets more traffic and is in worse shape than Myers. Jackson explained that instead of potential litigation the city could put that money to use in other road maintenance.

**Mayor Everhart** read aloud all of the letters that were submitted. Barbara McClain's letter was for closing the portion of Myers on Trudy Jacksons property. Dave Selene's letter was for keeping Myers Street open. Seward family letter was for keeping Myers open due to the fact that if closed it would make access to their property impossible. Trudy Jacksons written comments explained her history in Idaho City and her issues with Myers Street. It crosses both properties going up to Hill Rd. and over the years she has noticed a gradual widening of the road. After having her properties surveyed encroachments were verified from driveways being cut across her property. The written comments further explained how Jackson is damaged by the roadway and that she is asking the city to withdraw its claim to the extension of Myers St.

**Clerk Ptak** added that all of the information read is on the city's website under packets.

**Trudy Jackson** explained the comment that Brenda Secor made addressing the Hinz property. Jackson had attempted to purchase the property from Hinz, but he would not sell it. Hinz allowed her to use that area as needed. Jackson explained the traffic issues with Hill Rd. and the other traffic coming up Myers. Jackson further explained that she had asked Seward to survey his lot line so they could come to an agreement on the road, and while Jackson was out of town Seward had a contractor put in a driveway the cut into Jackson property. If the city were to close the section of Myers Jackson would ensure the other property owners could access their driveways. Jackson had asked Terry Teeter if Myers were an option for fire trucks and his response was that they would just run hose line if needed. Discussion on traffic on Myers and Hill ensued. Elliott asked when Jackson had the surveys recorded and Jackson responded 2-3 weeks ago. Jackson expressed her frustration with the city for not responding to these issues sooner. Mayor Everhart responded that the city only has a couple of meetings a month and does its best to get to all of the issues but had conversations with the city attorney on what route should be taken with the issue. The city wants to resolve the issue but there are other things to consider. Discussion on snow, plowing, etc. ensued. Mayor Everhart added that he is willing to sit down and have a conversation.

**City Attorney Callahan** added that the city is limited on options for discussions because of open meeting laws. Callahan recommended that the council has accepted lots of information and at the next meeting have an executive session where the council can discuss all of the information and what approach would be taken going forward.

**Jason Rowe** informed council that he provided a map that shows the holes in Idaho City's map. Rowe explained that the map also shows Hill Rd. crossing through properties.

**Pamela Thompson** explained that she is Jason Rowe's girlfriend, and she frequently visits. In the winter coming down Myers from Hill is the only way she could access Rowe's property.

**Michelle Tincher** asked why when they owned property on Myers St. there was no issue with the road and now there is. Jackson responded that Seward caused the issue when he put in his expanded driveway. She is willing to work with the property owners to ensure they have access if the road is closed. Discussion on potential closure and access ensued.

**Carol Kirkland** explained that she has lived in the area on and off since 1976. Kirkland provided some history regarding roads and closures.

Mayor Everhart closed the public hearing at 7:12pm and called a short recess. Mayor Everhart called meeting back into session at 7:21pm

### III. ENGINEER'S REPORT

#### A. MOUNTAIN WATERWORKS TASK ORDER NO. 294-08

Council President made a motion, seconded by Adams, to authorize the Mayor to sign Task Order No. 294-08. 4 ayes. Motion carried.

### IV. 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. REVIEW ORDINANCE 320 COUNCIL MEETING DATE AND TIME

Clerk Ptak informed council that she was informed by a council member requesting to revisit the council meeting time. Elliott added that she has started a new phase in her job and could not guarantee being at the meeting by 6pm. Discussion on meeting time ensued. Council and the Mayor agreed on changing the meeting time to 7pm. Will need to make that change through a new ordinance that will be added to the next agenda.

#### B. REVIEW ORDINANCE 322- CEMETERY RULES & REGULATIONS BY RESOLUTION

Clerk Ptak informed council that this was here as reference to see that there is not anything in place as far as rules and regulations for the cemetery. The next ordinance on the agenda deals with these issues.

#### C. ORDINANCE 377 CEMETERY RULES AND REGULATIONS

Council had looked through the ordinance and discussed one section of the ordinance dealing with when decorations should be removed. Discussion on those dates ensued. It was decided that November 15<sup>th</sup> is when decorations should be removed. The ordinance was updated to reflect that date. Counselor Adams 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. 377 be considered immediately. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried. Counselor Secor made a motion, seconded by Adams, Ordinance No. 377 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.

## V. OLD BUSINESS

### A. LOCAL OPTIONS TAX CHECKLIST – DISCUSSION

Item was tabled.

## VI. NEW BUSINESS

### A. ERIK KOSER REQUEST TO VACATE CITY PROPERTY

Council President Secor recused himself from this discussion. Coleen Marks, surveyor for Erik Koser addressed council and informed them she had surveyed a portion of the land owned by Koser, Secor, the Oddfellows Lodge, and one other owner. Marks referenced a map that was supplied showing gap areas between those properties. Those spaces are what they are requesting to vacate. Discussion on property lines, and who owns the spaces between ensued. City Attorney Callahan informed council that the city can vacate a road which would revert back to the property owner, but city property cannot be given away. Discussion on what has happened in the past, what is city property, and what maintenance is done ensued.

### B. CHARLES MAXWELL UTILITY EASEMENT

Clerk Ptak informed council that Maxwell is looking for a utility easement from the city's power pole at the senior center to his property. Maxwell will need a survey for Idaho Power to get all the paperwork in order for the easement. Discussion on the property location ensued. Council and the Mayor were agreeable to moving forward if Maxwell would pay for the survey and get all of the information together for council to look at.

## 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 Claus informed council that the project on Bear Run has begun. Claus caught a semi from American Roofing Supply on Main St. and informed them that they are overweight for Main St. and need to use an alternate route. Public Works will be cleaning a sand bay by the 13<sup>th</sup>. There is a water and sewer line to dig next week for Niehoff. Claus informed council that the last rodeo left the grounds with lots of work for her to clean up. Fence panels were moved out where they should not have been, and a gate was busted. Public works got the panels moved back where they should be, and the gate was replaced. Discussion on the Rodeo Grounds deposit and past damages ensued. Jack Pine has been doing work at the rodeo grounds and they helped with moving panels and the gate repair. Discussion on fees and rental applications ensued.

### B. LAW ENFORCEMENT

Mayor Everhart informed that Watson is on vacation this week so Chief Otter will be patrolling starting the 13<sup>th</sup> from 3pm to 3am through the weekend to continue the city's advanced patrols. ICPD is doing multiple walkthroughs of establishments throughout the night. Heffington asked if the agreement with the county was signed, and Mayor Everhart responded no that he needed to get with Sheriff Turner and Chief Otter to figure that out. City Attorney Callahan added that she has an associate looking into some agreements from other surrounding cities and towns.

### C. CLERK/TREASURER'S OFFICE

#### 1. BUDGET UPDATES

Clerk Ptak informed council they will be receiving an excel spreadsheet of the budget to look over. It will be on the next agenda to approve as a tentative budget. The budget needs to be in to publish by the 31<sup>st</sup> in order to keep the budget hearing in line. Discussion on a special meeting for the budget ensued. Council decided to have a special meeting July 27<sup>th</sup> at 7pm for the budget information. Clerk Ptak added that with council's permission some of the items on the 26<sup>th</sup> agenda could be moved to the special meeting to free up time during the regular meeting on the 26<sup>th</sup>.

#### 2. WATER AND SEWER UPDATES, **ACTION ITEM**

##### a. FOREST SERVICE WATER BILL

Clerk Ptak informed council that there does seem to be a discrepancy with the zeros for the readings. Ptak has been working with Bret Barry on the calculations and they are very close. Ptak is comfortable using Barry's calculations and charging for what has been used. Discussion on the amount of water used and the charge ensued. Ptak added on the water sewer updates that one is a vacant lot that she is trying to track down the owner and was going to talk with public works about potentially pulling the meter. Claus added that the meter had been locked in the past and someone cut the lock off. Mayor Everhart added that he would rather leave the meter and place a lock on it. That way if the lock is cut and the water is used the city can track the amount of usage. Ptak brought up the Element Construction bills and informed council that those would be on the next agenda. City Attorney Callahan added that letters have been sent to Element Construction and their registered agent informing them they would have the opportunity to discuss the bills with council at the next meeting.

### D. CITY ATTORNEY

City Attorney had no update.

## IX. COUNCIL UPDATES

Secor no update, Adams no update, Elliott no update. Heffington brought up some potential OSHA safety issues. Council decided to address those at the next meeting in executive session.

## X. MAYOR UPDATES

Mayor Everhart no update.

## 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.

**Paul Booth** addressed council and informed them he is the current Chairperson for the Confederation of Clubs for the Treasure Valley and has been a member of the Vietnam Vets, Legacy Vets Motorcycle Club for the last 20 years. Booth spoke on behalf of his good friends the Vagos Motorcycle Club. Over the last 35 years Booth has come to know many members of the Vagos through school, his career in the Marine Core, working along side them at the Union Pacific Railroad, and more recently working with local members on fundraisers, charity, and legislation in the Treasure Valley. In that time Booth has found those members to be some of the most loyal, hardworking, and patriotic Americans he has known. Booth spoke on the negative things that were said regarding the Vagos Motorcycle Club and explained that the actions of a few should not be placed on the whole group. Booth assured the citizens of Idaho City that in all the years over multiple states that he has known Vagos members, not one of them has tried to traffic anyone or anything to him. Booth implored the citizens of Idaho City to look past the stereotypes and open their hearts to their neighbors.

**Aaron Paulson** addressed council and informed them and the citizens that he and his fiancé live in Boise County in a house that was built by her great grandfather in the 1950's. Paulson is originally from Portland Maine where his father was a city counselor and mayor. Paulson is a graduate of the University of Hartford with a bachelor's degree in media arts management and a 13-year member of the Vagos Motorcycle Club. Paulson explained that the Vagos do not stand for, or accept, the types of actions that had taken place in Idaho City. They immediately expelled the individual from the club and that decision is final and unwavering. Paulson further explained that he and the club are members of the community and have been coming to Idaho City spending money in stores, restaurants, and bars with family and friends. They love living here and would never accept the kind of behavior that unfortunately has shrouded all of them by the actions of one person. Paulson would like the citizens to know that he and his brothers work normal jobs, pay taxes, and are active members of their communities. Before the incident, the Vagos planned to do a motorcycle run to Idaho City which would have brought thousands of dollars in revenue to local businesses but have since moved it out of county with respect to recent comments.

**Shawn Keith** addressed council and informed them he has been involved with the Vagos for the last 2 years and in that time has met some amazing people that he considers family. None of them has he seen buy, sell, use drugs, or any other accusations from the last meeting. Keith explained that the actions of one bad seed from that night have caused a lot of fear and turmoil. The Vagos do not condone his actions and that is why that person has been removed. Keith is family oriented and a devout Christian that attends church regularly in the valley. When first starting to come around the club Keith's wife was nervous due to things on the news and internet. Keith took his family to a camp out with the Vagos, and all the children played together, and everyone was welcomed with open arms. Keith asked for the citizens not to fear them or pass judgement as they do their best to protect friends, family, and community.

**Ben Smith** addressed council and explained that he has been associated with the Vagos for a little over a year and is also a year and a half sober. During his time with the Vagos they have supported him and helped maintain his sobriety. Smith expressed how the club is family oriented and has regular family dinners and BBQ's. Smith explained that if he did not have the Vagos Motorcycle Club in his life he is unsure where he would be.

Mayor Everhart addressed the members of the Vagos Motorcycle Club and appreciated them coming and addressing the situation. He explained that the citizens had a valid concern because of the actions that took place, i.e. gunshots etc.. Mayor Everhart thanked the members that came forward and appreciated their civility and attitude.

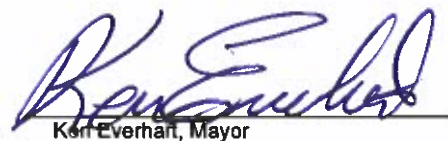
Mayor Everhart moved the meeting to the Consent Agenda (see above)

**ADJOURNMENT 8:25**

ATTEST:

Date approved: 7/26/2023

  
Nancy L Ptak, City Clerk-Treasurer

  
Kerf 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

[idahocitymayor1@cityofic.org](mailto:idahocitymayor1@cityofic.org)

**Council members:**

Tom Secor Jr

Ashley M Elliott

Mari Adams

Ryan Heffington

**Chief of Police:**

Mark Otter

[icpd100@cityofic.org](mailto:icpd100@cityofic.org)

**City officers:**

Brent Watson

**Public Works Director:**

Tami Claus

[idahocitypublicworks@cityofic.org](mailto:idahocitypublicworks@cityofic.org)

**Public Works:**

Nick Mancera

Dallas DeCory

**City Clerk-Treasurer:**

Nancy L Ptak

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**Deputy Clerk**

Kaleb Goodlett

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**Utility Billing Clerk**

Sue Robinson

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operating hours

Monday- Thursday

8 am - 5 pm

Friday 9am -3pm