

CITY OF IDAHO CITY



MINUTES

REGULAR CITY COUNCIL MEETING
Wednesday, August 23, 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

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

ROLL CALL: Clerk Ptak called roll, Secor, Adams, Elliott, Heffington 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: AUGUST 9, 2023 **ACTION ITEM**

Counselor Heffington made a motion, seconded by Elliott, to approve the minutes dated August 9, 2023. 4 ayes. Motion carried.

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

C. BILLS/PAYABLES: AUGUST 10, 2023 THROUGH AUGUST 23, 2023 **ACTION ITEM**

Counselor Secor made a motion, seconded by Adams, to approve the bills August 10, 2023 through August 23, 2023 in the amount of \$13,832.09. 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. 2023/2024 FISCAL YEAR BUDGET HEARING

Counselor Secor made a motion, seconded by Adams, to open the public hearing for the 2023/2024 Fiscal Year Budget Hearing. Secor aye, Adams aye, Elliott aye, Heffington aye. Public hearing opened at 6:03pm. Mayor Everhart went over totals for the budget. Mayor Everhart further explained the grant from DEQ, that all funds do not have to be used this coming fiscal year. Any remaining funds will be separated out and used in the next budget year. Counselor Secor made a motion, seconded by Adams, to close the 2023/2024 Fiscal Year Budget Hearing. Secor aye, Adams aye, Elliott aye, Heffington aye. Public Hearing closed at 6:06pm.

III. ENGINEER'S REPORT

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. RESOLUTION 2023-10 SCHEDULE OF FEES FOR 2024

Counselor Secor made a motion, seconded by Adams, to approve Resolution 2023-10 Schedule of Fees for 2024. 4 ayes. Motion carried.

B. RESOLUTION 2023-11 WATER AND SEWER RATES

Counselor Secor made a motion, seconded by Elliott, to approve Resolution 2023-11 Water and Sewer Rates. 4 ayes. Motion carried.

C. RESOLUTION 2023-12 RESERVING FORGONE AMOUNT 2024

Counselor Secor made a motion, seconded by Adams, to approve Resolution 2023-12 Reserving Foregone Amount 2024. 4 ayes. Motion carried.

D. ORDINANCE 383 ANNUAL APPROPRIATION ORDINANCE FOR FISCAL YEAR 2023-2024

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. 383 be considered immediately. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried. Counselor Secor made a motion, seconded by Elliott, Ordinance No. 383 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.

E. REVIEW ORDINANCE 316 REGULATING THE CREATION OF NOISE

F. REVIEW PROPOSED NOISE ORDINANCE

Counselor Elliott thanked Counselor Adams for the new proposed ordinance. Mayor Everhart agreed and added that City Attorney Callahan had a couple minor adjustments. Discussion on the decibel levels, distances, and times ensued. Council agreed on a decibel level of 80, a distance of 150 feet, and a time frame of 11pm to 7am. Mayor Everhart added that the proposed ordinance states that a variance does not extend past midnight and in the past they have approved until 1am. Council agreed on midnight for the variance time limit. Clerk Ptak added that one time a year the midnight time may be an issue and that is for New Years. Discussion on the time and holidays ensued. Mayor Everhart requested Chief Otter gather some information regarding penalty fees, etc. Council agreed on midnight for the variance time limit and would add an exception for New Years until 1am. Mayor and Council went on to discuss the variance application fee. Council agreed to use the same fees used for an event checklist and a variance application would be in addition to any other fees.

V. OLD BUSINESS

A. NOISE VARIANCE FOR THE GOLD MINE SALOON AUGUST 25 & 26, 2023 TILL 1AM. **ACTION ITEM**

Mayor Everhart explained that Steve Ellis provided a letter explaining what was requested of him at the last council meeting. Mayor Everhart added that since the last meeting he has heard good things regarding the noise and time that music is shut down. Counselor Elliott asked if Chief Otter had received any calls on the noise and Otter responded he did two weeks ago but since then he has called if he felt the noise was loud and they have immediately lowered the volume. Counselor Elliott made a motion, seconded by Heffington, to approve the noise variance for the Goldmine Saloon August 25 & 26, 2023 until 1am. Counselor Secor added that he would like to bring the end time back to midnight. Discussion on the time ensued. Steve Ellis asked to speak and explained the rodeo would potentially not be over by 11 and the people will be at his establishment regardless. Ellis is willing to work on the noise levels and figure out what is agreeable. Mayor Everhart suggested that since the precedent had been set for 1am in the past maybe Chief Otter could go by around 11:45-12 with a decibel meter and check things and reduce the noise until 1am. Counselor Heffington questioned why the music couldn't be done at the rodeo grounds. Ellis responded that they tried it a couple years ago and it did not work. Jackie Bridwell added that it does not work because of the stock contractors and livestock. Shauna Asher added that she had offered for Ellis to come to her house to assess the noise level and he did not attend. Ellis responded that he was not able to be in town last weekend and he did not yet have the equipment to measure the noise. Discussion on the variance time and noise level ensued. Counselor Secor made a motion, seconded by Heffington, to approve the noise variance for the Goldmine Saloon August 25 & 26, 2023 until 1am with the noise level kept to an acceptable level according to the Chief of Police. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried. Discussion on enforcement and the noise level ensued.

B. GARY SECOR – LAND SWAP WITH CITY **ACTION ITEM**

Gary Secor addressed council and asked the position of the city regarding the land swap with him (the city's parking lot and Secor's proper City Attorney Callahan responded that in order to do a land swap there would need to be valuations and surveys done for each property to ensure they are equal in value. Mayor Everhart added that the city needs a survey and valuation for the parking lot, but that expense would fall to Secor if he so inclined. Secor agreed to pay for the survey and asked the next steps after the survey. Mayor Everhart responded the property would then be valued and compared to the property Secor is proposing to swap.

VI. NEW BUSINESS

A. 2024-01 HARLEY'S PUB LIQUOR LICENSE RENEWAL **ACTION ITEM**

License Application is complete.

B. 2024-02 GOLDMINE RESTAURANT AND SALOON LIQUOR LICENSE RENEWAL **ACTION ITEM**

License Application is complete

C. 2024-03 GOLDMINE GAS STATION LIQUOR LICENSE RENEWAL **ACTION ITEM**

License Application is complete

D. 2024-04 BOCO LIQUOR LICENSE RENEWAL **ACTION ITEM**

License Application is complete

E. 2024-05 IDAHO CITY GROCERY LIQUOR LICENSE RENEWAL **ACTION ITEM**

License Application is complete

Counselor Secor made a motion, seconded by Elliott, to approve the liquor licenses 2024-01, 2024-02, 2024-03, 2024-04, 2024-05. 4 ayes. Motion carried.

F. 2024-06 DIAMOND LIL'S LIQUOR LICENSE RENEWAL **ACTION ITEM**

License Application is not complete.

G. 2024-07 GENTRY'S OUTPOST LIQUOR LICENSE RENEWAL **ACTION ITEM**

License Application is not complete.

H. 2024-08 TRUDY'S KITCHEN LIQUOR LICENSE RENEWAL **ACTION ITEM**

License Application is not complete.

VII. COMMITTEE REPORTS

A. PARKS & RECREATION COMMISSION

Dax Olvera addressed council and informed on the BLM lease renewal. Olvera explained that this is a preliminary update. The agreement expired in March of this year. Parks & Rec is working with the BLM to figure out what needs to be done to renew the lease. One of the actions that will need to be done to renew are engineered drawings of everything on the BLM property. Discussion on the BLM lease, property lines, and an old Forest Service lease ensued. Olvera explained some of the other items discussed with BLM and will provide updated information as he receives it. Olvera asked the council if the city would like to acquire the BLM property as opposed to a lease and they responded yes. Olvera will be looking into that process. Discussion on the lease, terms, and funds ensued. Parks & Rec will be getting together 8/27 to gather a material list for the city shed out by the ball field. Clerk Ptak informed Olvera that if 3 or more meet then they will need to post a special agenda because it would be considered a meeting. City Attorney Callahan explained that if there was a quorum of members and they then began discussing business that might come before them as a group then they have deliberated outside of an open meeting.

B. HISTORIC PRESERVATION COMMISSION

C. PLANNING & ZONING COMMISSION

Counselor Adams informed for Planning & Zoning. They are going through the comprehensive plan and have a lot of questions and information that will be brought to council soon.

D. IDAHO CITY CHAMBER OF COMMERCE

Clerk Ptak informed for Shelly Heffington. The Chamber is working on the event checklist for Idaho City Days and should have it to council for the next meeting. They are also working on acquiring some Porto-potties and where to store them. The Chamber is also looking into raising funds (grants or other) to update the Visitors Center restrooms.

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**

IX. EMPLOYEE UPDATES

A. PUBLIC WORKS

Mayor Everhart informed on behalf of Public Works Director Claus. Public works has put in quite a few hours dealing with the water plant due to the recent power issues. Unless there is an emergency Public Works is off for the rest of the week. Next week they will be cleaning another sand bay. Montgomery has been graded since all of the rain.

B. LAW ENFORCEMENT

Mayor Everhart informed on behalf of Chief Otter. Otter is working with the Boise County Sheriffs trying to locate a certain individual. Otter has an appointment Friday to get the graphics on the car. The weekends have been pretty quiet with no incidents.

C. CLERK/TREASURER'S OFFICE

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

Clerk Ptak informed council there was an adjustment page in the packet that needed signed off on. It would replace the adjustment page from the previous meeting. Ptak added that council was provided the list of who has paid in full, payment agreements, seven day shut off, and a couple 24 hour shut off notices. Counselor Elliott questioned one of the accounts on the list and Ptak responded that she will get with Robinson to figure it out. Ptak added that in the packet is a notice of candidate filing deadline. There are two council position up this year. The notice will be published in the Idaho World next Wednesday and Goodlett will add it to the website this Friday. Candidate filing will open August 28 and close September 8, 2023.

D. CITY ATTORNEY

X. COUNCIL UPDATES

Secor no update, Adams no update, Elliott no update, Heffington no update.

XI. MAYOR UPDATES

Mayor Everhart explained that he received a letter from the Idaho City Fire Protection District Fire Chief Terry Teeter regarding Myers Street. The letter referred to a statement that fire trucks were unable travel up and down Myers, and Teeter explained there was no issue with the trucks going up or down Myers Street. Mayor Everhart, Callahan, and Ptak have had discussions with Dillon Lawrence the Water Rights Attorney regarding annexation into the Nampa Meridian Irrigation District, and other potential water rights. Lawrence will be at the next council meeting with further updates. Mayor Everhart added that he had also received a letter from Brian Seward regarding the property at 203 Myers questioning if there was a time frame for doing the surveys etc., but that has not been established yet. Discussion on the property, and property lines ensued. Mayor Everhart received a message from Stuart Hurley from Mountain Waterworks explaining that they had submitted to DEQ for review comments on the facility plan. DEQ replied back on a couple of items that will be worked through. Mayor Everhart spoke on the Mayors walk from last October and explained the City received funds from that and had talked about using those funds for the path around the airport. Mayor Everhart asked Counselor Elliott where she was at with that process. Elliott responded that she had spoken with Trudy Jackson hoping that the inmates would be able to help, and Jackson informed Elliott to speak to Phill with the Forest Service. Elliott explained that would be her next step now that she knows the funds are available.

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.

ADJOURNMENT 7:37 PM

IN TEST:


Nancy L Ptak, City Clerk-Treasurer

Date approved:

Sept. 13, 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.

Mayor: Ken Everhart idahocitymayor1@cityofic.org	Chief of Police: Mark Otter icpd100@cityofic.org	Public Works Director: Tami Claus idahocitypublicworks@cityofic.org	City Clerk-Treasurer: Nancy L Ptak idahocityclerk@cityofic.org	511 Main Street PO Box 130 Idaho City, ID 83631
Council members: Tom Secor Jr Ashley M Elliott Mari Adams Ryan Heffington	City officers: Brent Watson	Public Works: Nick Mancera Dallas DeCory	Deputy Clerk Kaleb Goodlett idahocityoffice@cityofic.org	(208)392-4584 operating hours Monday- Thursday 8 am - 5 pm Friday 9am -3pm
			Utility Billing Clerk Sue Robinson 4cityfolk@cityofic.org	