

# CITY OF IDAHO CITY



## REGULAR CITY COUNCIL MEETING

Wednesday, March 22, 2023

6:00 P.M

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

## AMENDED AGENDA

### Join Zoom Meeting

<https://us02web.zoom.us/j/4192717240?pwd=UWJueHFjdM5GMUlnUUhFNkJKaUZ2QT09>

Meeting ID: 419 271 7240

Passcode: iccouncil

## MINUTES

CALL MEETING TO ORDER Mayor Everhart called regular city council meeting to order at 6:02 PM  
ROLL CALL Clerk Ptak called roll, Secor, Adams and Elliott in attendance. Heffington Absent  
PLEDGE OF ALLEGIANCE Mayor Everhart led the pledge of allegiance.

Adams made a motion, seconded by Elliott, to accept the amended agenda for March 22, 2023 adding the public hearing zoning upon annexation of a parcel of property and annexation ordinance 373. Secor abstain, Adams aye, Elliot Aye. Motion carried.

### I. CONSENT AGENDA

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Councilors 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 8, 2023, **ACTION ITEM**

Council President Secor made a motion, seconded by Elliott, to approve the minutes dated March 8, 2023. 3 ayes. Motion carried.

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

##### 1. GOLD DUST RODEO JUNE 23, 2023, AND JUNE 24, 2023, GOLD DUST ARENA COMMITTEE

Clerk Ptak addressed the council, the event checklist items that were missing from the last meeting (EMS services, nonprofit standing) had been updated and Chief Otter had looked things over and approved. Council President Secor made a motion, seconded by Elliott, to accept the event checklist from Gold Dust Rodeo June 23<sup>rd</sup> & 24<sup>th</sup>, 2023 contingent on insurance. 3 ayes. Motion carried. Secor made a motion, seconded by Elliott, to approve an alcohol variance for Gold Dust Rodeo June 23<sup>rd</sup> & 24<sup>th</sup>, 2023. 3 ayes. Motion carried. Secor made a motion, seconded by Elliott, to approve a noise variance June 23<sup>rd</sup>, & 24<sup>th</sup>, 2023 until midnight each night. 3 ayes. Motion carried.

#### C. BILLS/PAYABLES: MARCH 9, 2023, THROUGH MARCH 22, 2023, **ACTION ITEM**

Councilor Elliott had 2 questions regarding the bills 1) Elliott's initials were on one from the previous meeting. Ptak explained the check was originally made out to Harbor Freight and should have been a reimbursement to Tami Claus. This check is fixing that error. 2) T-Mobile bill had 2 packets and Elliott asked if the amount from the older packet was carried over into the new packet, and the entire bill is paid. Ptak responded yes. Secor made a motion, seconded by Adams, to pay bills dated March 9, 2023, through March 22, 2023, in the amount of \$26,616.53. 3 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. ZONING UPON ANNEXATION OF A PARCEL OF PROPERTY (PARCEL NO. RP06N05E266658) LOCATED AT 3889 HWY 21, IDAHO CITY, IDAHO

Councilor Elliott made a motion, seconded by Adams, to open a public hearing regarding the zoning upon annexation of a parcel of property (parcel no. RP06N05E266658) located at 3889 HWY 21, Idaho City, Idaho. Secor abstained, Adams aye, Elliott aye. Motion carried. Mayor Everhart asked for any input from citizens. Ptak explained she had not received any emails, letters, phone calls, or any correspondence. Secor asked to comment since he had abstained. Ptak informed Secor he would have to recuse himself from the council and address the council as a citizen. Secor had an issue with the annexation of the entire parcel because it is a large parcel over 10 acres. He would have liked to annex a portion of the parcel in as needed. Secor stated the city needs to revisit how it annexes big block annexations, does it have to be all annexed at once or can it be broken up over several different annexations? Clerk Ptak informed Mr Secor, the issue right now is the property is in the county and if a smaller parcel was wanted to be annexed, the property owner would have to go through the county to subdivide the property first and then annex the smaller parcel. Mayor Everhart believes the county has restrictions on how many times a parcel can be subdivided, which he believes is part of the reason this parcel is being annexed as a whole. Discussion ensued. Councilor Elliott made a motion, seconded by Adams, to close the public hearing regarding the zoning upon annexation of a parcel of property located at 3889 HWY 21, Idaho City, ID. Elliott aye, Adams aye, Secor abstain. Motion carried; public hearing closed.

### III. ENGINEER'S REPORT

Mayor Everhart explained there is not an official engineers report, but he had spoken to the engineers at the spring conference. Mountain Waterworks had supplied all the plans and drawings for the sand separator installation at the RO building and discussed everything in detail with Mayor Everhart. With the Mayor's prior approval, the engineers were then going to submit to DEQ for approval. The process for the sand separator is still moving forward, it is just a long slow process to get it through all the channels. Discussion ensued regarding the engineering firm getting purchased by another firm.

### IV. OLD BUSINESS

#### A. UPDATED IDAHO CITY EVENT CHECKLIST

Clerk Ptak addressed the council regarding the new event checklist. A template was borrowed from the City of Kuna and adapted to Idaho City's needs. A couple of things were still marked in red regarding after hours charges, because that would put some of Idaho City Police Department into possible overtime, etc. The city would need to create an ordinance for these fees to be charged and then in resolution form to set the fee amount. The resolution would be used for budgeting purposes in the General Fund. Everything the council suggested, and Chief Otter asked for in prior discussions was added to this new checklist form. Ptak would like to attach the park policy, created by Councilor Elliott to mirror the Historic Foundation's policy, to the event checklist so going forward everyone can abide by the same new policies. Discussion ensued on starting to use the new form. City Attorney Joan Callahan suggested that the council give the Clerk direction to use the new form absent the new fee. The council agreed and gave the clerk direction to do so.

#### B. PUBLIC WORKS SHOP HEATER / YMC BID APPROVAL. **ACTION ITEM**

Mayor Everhart asked City Attorney Callahan if there was any issue having Councilor Heffington as an employee of YMC and a councilor? Attorney Callahan responded it is acceptable, Heffington only has a remote interest. Council President Secor made a motion, seconded by Adams, to accept the bid from YMC for the Public Works shop heater in the amount of \$5214.00. 3 ayes. Motion carried.

### V. NEW BUSINESS

#### A. IDAHO CITY DW1104 PROMISSORY NOTE: **ACTION ITEM**

Mayor Everhart had a discussion with City Attorney Joan Callahan, and Clerk Ptak explaining there are items of information not available regarding the promissory note. Mayor Everhart asked the council to approve the Idaho City DW1104 Promissory Note contingent upon the City attorney receiving the missing items and approving them. Then Mayor Everhart would be authorized to sign the document. The reason for asking for prior approval for the mayors signature is due to a time frame to get everything in, otherwise a special meeting would be needed. Councilor Elliott made a motion, seconded by Adams, to allow Mayor Everhart to sign the DW1104 Promissory Note, contingent on the approval of the unavailable items by City Attorney Callahan. Secor aye, Adams aye, Elliott aye. Motion carried. Discussion ensued on loan repayment, organization, and water rate study.

#### B. UNITED STATES DEPARTMENT OF INTERIOR BUREAU OF LAND MANAGEMENT RIGHT OF WAY GRANT **ACTION ITEM**

Council President Secor explained this grant is a right of way grant for the water line that goes through the rodeo grounds. Mayor Everhart explained he needed council approval to sign the documents. Elliott questioned the term of 20 years and thought the city did not want terms from that long. Clerk Ptak explained it is the federal government and they make the leases the city does not. The mayor added the shorter terms are for when the city is creating the lease agreements. Secor made a motion, seconded by Elliott, to authorize Mayor Everhart to sign the documents for the United States Department of Interior BLM Right of Way Grant. Secor aye, Adams aye, Elliott aye. Motion carried. Clerk Ptak asked for clarification on the location. Secor responded it starts at Somervold and goes up and over the hill into the rodeo grounds, the trail that follows the Highway.

#### C. DISCUSSION WITH CITY ATTORNEY REGARDING AMICUS BRIEF IN WANDRUSZKA V. CITY OF MOSCOW. **ACTION ITEM**

City Attorney Joan Callahan addressed the council and explained, this is a lawsuit over landowner responsibility for paying water bills for tenants if the tenants aren't current. Callahan received a call from Richard Stubbs, the New Meadows City Attorney, who is heading up the coalition. They are looking for additional cities to sign onto

what's an Amicus Brief, which is just a friend of the court brief, not a party to the lawsuit, but certainly have an interest in the outcome of it and want the court to take note of a couple of particular issues. The coalition is going to have the AIC Attorney, plus a few other attorneys to do the work, so it is not a cost to Idaho City, but they want to get as many cities who are going to be potentially negatively affected by the decision if it isn't overturned. Elliott questioned if Idaho City puts their name on the Brief does the city have to provide information regarding its situation and if the city loses in the lawsuit does it have to do something regarding the situation. Attorney Callahan responded that Idaho city doesn't have to provide any specific information, it is just signing onto the legal argument that it is the landowner who is responsible. In the event the court ruled against the City of Moscow and upheld it, at that point there would be a discussion about what if any action Idaho City might have to take. Council President Secor made a motion seconded by Adams to join the Amicus Brief from the association of Idaho cities. 3 ayes. Motion carried.

#### 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**

##### 1. ANNEXATION ORDINANCE 373 - 3889 HWY 21, IDAHO CITY, IDAHO

Councilor Elliott 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. 373 be considered immediately. Elliott aye, Adams aye, Secor abstain. Motion carried. Elliott made a motion, seconded by Adams, Ordinance No. 373 now before the council to be approved. Elliott aye, Adams aye, Secor abstain. Motion carried. The Ordinance will be effective upon publication in the newspaper.

##### 2. CITY SURPLUS ITEMS (CITY HALL)

Clerk Ptak deferred to Deputy Clerk Goodlett to provide the information he had compiled. Goodlett addressed council and explained he had contacted Corbett Auctions and they did not express much interest and explained it would cost more than it was worth. They were willing for the city to provide pictures of the items for sale and do a one lot sale (everything for one money). Musick Auctions was similar except they would take everything. The city would have to transport items to them. Their fees were quite high and if any items were not sold the city would be responsible to pick them up. Goodlett also found a government surplus auction website and is waiting for information on pricing and processes. Ptak addressed the council regarding the city surplus item list and is working to get said list finalized. Ptak had also talked with Mayor Everhart about having a silent auction at City Hall. The city would have to publish so the public is aware of said auction. Discussion on items for sale ensued. Mayor Everhart directed Clerk Ptak to compile the list and get it to council for approval.

#### VII. COMMITTEE REPORTS

- A. PARKS & RECREATION COMMISSION
- B. HISTORIC PRESERVATION COMMISSION
- C. PLANNING & ZONING COMMISSION
- D. IDAHO CITY CHAMBER OF COMMERCE

#### 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

Public Works Director Tami Claus addressed council and expressed how great her crew is. Claus attended the County Commissioners meeting with Mayor Everhart and found through a state statute Montgomery St. belongs to the city. The city is responsible for all repairs. Public Works is currently in the process of removing all the asphalt on Montgomery and going to road mix with a crown in the middle of the road. Claus questioned how far they would be removing asphalt and Mayor Everhart directed to go all the way to Wall St. Road mix will be delivered Tuesday morning by Ruschman Sand & Gravel, if there is a cancellation they will deliver sooner. Mayor Everhart will provide contact information for Wood Brothers as they are up here all the time and can pick up material from any pit. Claus provided the council with pictures of two sink holes, one on Wall and Montgomery due to two old cast iron pipes that have separated, and all material washed away (the hole is not very big). The other sink hole is on W. Walulla just past Leo Stevens's by the culvert. It is due to some old wood that has disintegrated and washed away. Public Works will be digging this up and packing the culvert correctly. This summer Public Works has multiple projects going on in Mores Creek Crossing. Mayor Everhart added that along with Public Works updates the EPA sent down mandates requiring ever water system in the country perform a service line inventory which includes cataloging parcel number, address, or whatever designator the city has for each piece of property that is served by a city water meter. The pipe type (copper, galvanized, etc.) from the main to the meter and meter to the home in the city's best effort is also part of the information required. This is supposed to be completed by October 16<sup>th</sup>, 2024. Mayor expressed that this catalog of information is just the beginning, the next step would be replacement (this has not been officially stated as of yet). Only in use items connected to the system will need to be cataloged. Discussion ensued. Mayor Everhart expressed appreciation for all the work Public Works Director Claus has done and continues to do.

##### B. LAW ENFORCEMENT

##### C. CLERK/TREASURER'S OFFICE

- 1. BUDGET UPDATES
- 2. WATER AND SEWER UPDATES, **ACTION ITEM**



Clerk Ptak addressed the council and informed of a letter in their packet from Massie who will be approaching council at some point regarding their bill. Their home is not yet connected to sewer and the city has been charging the base rate even though it is not in use. Element Construction has been hard to work with regarding the billing, they are behind on two of their bills which the council has in their packet. Ptak does not believe Element will show up to stand up for Massie and get the problem fixed. Ptak has made adjustments for Massie removing late charges etc. Discussion ensued regarding Element Construction, their water bills, and the Massie sewer connection. Ptak asked if going forward the city just charge Massie for water until sewer is connected? Mayor Everhart advised yes, to remove sewer charges until such time as the connection is made.

### ~~3. PUBLIC RESTROOM AUTOMATIC LOCKS~~

#### D. CITY ATTORNEY

No update.

#### X. COUNCIL UPDATES

Council President Secor again thanked Claus for all the hard work, Councilor Adams no update, Councilor Elliott thanked everyone for participation in the St. Patrick's Day event, it went very well.

#### XI. MAYOR UPDATES

Mayor Everhart spoke regarding the commissioners meeting. There is an Idaho code, State code 50-313 public ways supervision that states that city councils of cities shall have the care supervision and control of all public highways and bridges within the corporate limits and shall cause them to be kept open and in repair and free from nuisance. Where any highway within the corporate limits has been designated as a part of the state highway system the provisions of section 40-502 shall be applicable. Mayor Everhart had spoken to Attorney Callahan and made the decision that once this information came to light, Montgomery St. is Idaho City's responsibility. Mayor Everhart directed Claus and the Public Works crew to start removing the asphalt and revert to a gravel road as quickly as possible, which will allow the city to maintain it in the winter. Discussion ensued regarding other cities, road departments, and the argument with the county. Ptak added there are some good things that came from this issue. There is an annual street and roads report and Idaho city has never claimed the bridge by the Century Link building or Montgomery St. and Ptak is pretty sure the mileage is off and this could potentially add State revenue. Mayor Everhart had talked with Claus about redoing the mileage count for all the roads within the city and resubmit that information to clerk Ptak. Discussion ensued regarding the bridge and who is responsible.


#### 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 7:22 PM**

ATTEST:

Date approved: 4/12/2023



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

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

**Councillors:**

Tom Secor Jr

Ashley M Elliott

Mari Adams

Ryan Heffington

**Chief of Police:**

Mark Otter

[icpd100@gmail.com](mailto:icpd100@gmail.com)

**City officers:**

Ericca Robbins

Brent Watson

**Janitorial:**

Dale Rutter

**Public Works Director:**

Tami Claus

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

**Public Works:**

Nick Mancera

**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 8am -2pm