## CITY OF IDAHO CITY



REGULAR CITY COUNCIL MEETING Wednesday, April 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=UWJUeHFidm5GMUliNUhFNkJHaUZ20T09

Meeting ID: 419 271 7240 Passcode: iccouncil

CALL MEETING TO ORDER ROLL CALL 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: MARCH 22, 2023 ACTION ITEM
- B. IDAHO CITY EVENT CHECKLIST: ACTION ITEM
- C. BILLS/PAYABLES: MARCH 23, 2023 THROUGH APRIL 12, 2023 ACTION ITEM

### 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** 

### III. ENGINEER'S REPORT

### IV. OLD BUSINESS

- A. IDAHO CITY FILMING GUIDELINES, APPLICATION, AND PERMIT ACTION ITEM
- B. WHITE CLOUD COMMUNICATIONS ERIK SPRINGER. ACTION ITEM
- C. 302 ELK CREEK RESIDENTS WITHOUT WATER

### V. NEW BUSINESS

- A. HISTORICAL SOCIETY IPAD FROM CITY ACTION ITEM
- B. LEASE AGREEMENT WITH TOM'S SERVICE FOR GENTRY'S OUTPOST & LEON'S CAFÉ ACTION ITEM
- C. LETTER OF INTENT FROM TAMMY CORRELL PARKS AND RECREATION. ACTION ITEM
- D. LETTER OF INTENT FROM JAMES CORRELL PARKS AND RECREATION. ACTION ITEM
- E. LETTER OF INTENT FROM SHAUNNA ROEBER PARKS AND RECREATION. ACTION ITEM
- F. MOBILE FOOD TRUCK PERMIT APPLICATION ACTION ITEM

### 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** 

- A. RESOLUTION 2023-02 DESIGNATE RECORDS CUSTODIAN
- B. RESOLUTION 2023-03 SUPPORTING A PROPOSED BROADBAND GRANT
- C. RESOLUTION 94-10 CITY PROPERTY LEASE
- D. ANNEXATION ORDINANCE 373 3889 HWY 21, IDAHO CITY, IDAHO SCRIVENER'S ERROR - ACKNOWLEDGMENT OF ATTACHMENT OF PROPERTY DESCRIPTION
- E. ORDINANCE NO. 374 WATER REVENUE BOND, SERIES 2023
- F. ORDINANCE NO. 375 ESTABLISHING GENERAL FUND ADMINISTRATION & LAW ENFORCEMENT FEES

### 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
- B. LAWENFORCEMENT
- C. CLERK/TREASURER'S OFFICE
  - 1. SET UP A RESERVE ACCOUNT TO HOLD WATER REVENUE BOND PROCEEDS
  - 2. BUDGET UPDATES 2<sup>nd</sup> QUARTER BUDGET REPORT
  - 3. SET 2023-2024 BUDGET HEARING DATE AUGUST 23, 2023
  - 4. WATER AND SEWER UPDATES, ACTION ITEM
  - 5. WATER RATE STUDY FOR TIERED BILLING IDAHO RURAL WATER
- D. CITY ATTORNEY

### IX. COUNCIL UPDATES

### X. MAYOR UPDATES

#### 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.

### ADJOURNMENT

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 idahocitymayor 1@cityofic.org Council members: Tom Secor Jr Ashley M Elliott

Mari Adams Ryan Heffington Chief of Police: Mark Otter icpd100@gmail.com City officers:

Brent Watson Janitorial: Dale Rutter Public Works Director: Tami Claus idahocitypublicworks@cityofic.org Public Works: Nick Mancera Dallas DeCory City Clerk-Treasurer: Nancy L Ptak idahooityderk@cityofic.org Deputy Clerk Kaleb Goodlett idahooityoffice@cityofic.org Utility Billing Clerk Sue Robinson 4cityfolk@cityofic.org 511 Main Street PO Box 130 Idaho City, ID 83631 (208)392-4584 operating hours Monday- Thursday 8 am - 5 pm Friday 8am -2pm

## 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=UWJUeHFjdm5GMUliNUhFNkJHaUZ20T09

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. Secon abstain, Adams aye, Elliot Aye. Motion carried.

### 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.

### 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

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Councilor Elliot 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 ave. Motion carried. Mayor Everhart asked for any input from citizens. Plak 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 ave, Adams aye, Secor abstain. Motion carried; public hearing closed.

#### ENGINEER'S REPORT 111

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.

**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 ave, Adams aye, Elliott aye. Motion carried. Discussion ensued on loan repayment, organization, and water rate study.

B. UNTIED 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 Sates Department of Interior BLM Right of Way Grant. Secor ave, 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 ATTOURNEY 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

V.

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,

#### ORDINANCES AND RESOLUTIONS

VI.

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

#### 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.

### 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

#### EXECUTIVE SESSION VIII.

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 cancelation 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 16th, 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
    - 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.

#### I. 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 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

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### ADJOURNMENT 7:22 PM

ATTEST:

Date approved:

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 Councilors: Tom Secor Jr Ashley M Elliott Mari Adams Ryan Heffington Chief of Police: Mark Otter icpd100@amail.com City officers: Ericca Robbins Brent Watson Ianitorial:

Dale Rutter

Public Works Director: Tami Claus idahocitypublicworks@cityofic.org Public Works: Nick Mancera

Clty Clerk-Treasurer: Nancy L Ptak idahocityclerk@cityofic.org Deputy Clerk Kaleb Goodlett idahocityoffice@cityofic.org Utility Billing Clerk Sue Robinson 4cityfolk@cityofic.org 511 Main Street PO Box 130 Idaho City, ID 83631 (208)392-4584 operating hours Monday- Thursday 8 am - 5 pm Friday 8am -2pm



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> Report ID: AP100 Page: 3 of 6

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511 Main St. | PO Box 130 | Idaho City, ID 83631 Phone (208) 392-4584 <u>www.idahocity.municipalimpact.com</u> idahocityclerk@cityofic.org | idahocityoffice@cityofic.org

### **Filming Permit Guidelines**

The following guidelines must be adhered to in order to film in Idaho City: Film permit applications will be arranged through the Idaho City Clerk's Office who will coordinate the process with the appropriate city or county services.

1. Permits are required when filming impacts the public way (streets, sidewalks, alleys, etc.). Permits may also be required when filming in City Parks.

NOTE: News crews, handheld interviews, documentaries, B-roll, and other low impact productions typically do not require a permit, as long as it does not interfere with vehicular or pedestrian traffic.

- 2. Permits are valid for specific locations, dates and times as requested in the application.
- 3. Applications for permits must be submitted 30 days prior to the beginning of filming. Rush fees may apply for obtaining permits prior to 30 days. Processing time for films with pyrotechnics, closure of City Streets or rerouting of transportation may take longer so plan accordingly.
- 4. There is a non-refundable \$25 application-filing fee for a film permit. Permits will incur a \$\$\$ per day fee made payable to City of Idaho City prior to filming.
- 5. A certificate of insurance naming the City of Idaho City as an additional insured in the amount of \$1,000,000 general liability, and \$1,000,000 bodily injury, property damage and automobile liability, must be received with the permit application. (\*Students and Filmmakers with budgets under \$50,000—Please contact the city clerk's office regarding insurance needs.)
- 6. Uniformed Police Officers will be assigned to production at the expense of the production company when the Chief of Police or his designee deems it advisable for public safety and convenience. The number of officers assigned will be determined by the police department based on the needs of the production to guarantee maximum safety and security of the public. Contact the city clerk's office for the fee schedule based on your location.
- 7. No parking signs must be posted by the production company or the appropriate City Departments, at the expense of the production company within 72 hours prior to closing streets or parking lots.
- 8. The relocation of parked vehicles from permitted zones can only be performed by the appropriate City Departments per arrangement with the city clerk's office.
- 9. Arrangements for overflow crew parking must be made in advance with the city clerk's office.
- 10. Residential areas can be used for filming between 7:00 a.m.-11:00 p.m. in accordance with the City of Idaho City's Nuisance Ordinance No.316 Filming at any other time must receive prior approval from the Idaho City Council and the appropriate City and Police Personnel.
- 11. A minimum of 72 hours' notice is required to notify residents within a 1-2 block radius of the shooting location depending on the scope of the production. Notification fliers must include the production company, shooting times, parking or traffic restrictions, any special effects utilized (pyrotechnics, simulated gunfire, etc.) and the appropriate contact names and phone numbers for on- site personnel. Final piece must be approved by the Idaho City Council prior to mailing or canvassing.
- 12. The production company shall not interfere with the normal activities of a neighborhood. Filming crews and equipment should not interfere with garbage collection, street sweeping, etc. and access to private property cannot be blocked unless permission is procured.
- 13. No littering is permitted, and all garbage must be cleaned up prior to leaving the location.



Date of Application:

511 Main St. | PO Box 130 | Idaho City, ID 83631 Phone (208) 392-4584 www.idahocity.municipalimpact.com idahocityclerk@cityofic.org | idahocityoffice@cityofic.org

### **APPLICATION FOR FILM PERMIT**

Application Fee: \$25 □ Cash □ Check □ Credit Receipt #:

Project Type:	🗆 Film	□ T <b>V</b>	Commercial	Music Video	Industrial	D Student	(must have valid student ID)
---------------	--------	--------------	------------	-------------	------------	-----------	------------------------------

Filming Timeline:	Estimated # of Production Days:
Company Name:	Federal ID #:
Address:	
	(City, State, Zip)
Contact Name:	Email:
Phone:	On-set Phone:
Producer Name:	

Director Name:

Shooting Schedule By Location (please attach additional sheet if necessary)

Date	Location (list streets/sidewalks to be used for filming and vehicle staging)	Start Time	End Time

Describe Scenes (Please attach additional sheet if necessary):

### Will any of the following occur during filming?

Simulated Gunfire	🗆 Yes	🗆 No	Pyrotechnics	🗆 Yes	🗆 No
Live Burn	🗆 Yes	🗆 No	Animal Use	🗆 Yes	🗆 No
Child Actors	🗆 Yes	🗆 No	Aircraft Use	🗆 Yes	🗆 No

### Will you be using any of the following equipment?

Jib Arm	🗆 Yes	🗆 No	Dolly Track	□ Yes □ No
Tents	🗆 Yes	□ No	Generator	□ Yes □ No
Will your production crew require: Temporary Street Closure	🗆 Yes	□ No	Date/Time of Closure	
Traffic Control	⊔ Yes	D No	Date/Time Needed	
Pedestrian Control	🗆 Yes	🗆 No	Date/Time Needed	

Please note that police must be present for road closures and traffic/pedestrian control; the City Clerk's Office will coordinate with the appropriate department.

### Estimated Number of Cast & Crew:

Dressing Rooms:	Other Vehicles (please describe):	
Camera Cars:	Picture Cars:	Motorhomes:
Estimates Number of Veh Personal Cars:	icles: Equipment Trucks:	Passenger Vans:

### Application Guidelines \*(Please also see the Idaho City Filming Permit Guidelines)

The producer agrees to pay in full the cost of repair for any damage to public or private property as a result of production activities.

The producer agrees to pay in full the costs, as appropriate, of any parking enforcement, police or fire department or other City/Village/County personnel utilized in conjunction with the location shoot at the established rate, determined on a case-by-case basis.

Contact the City Clerk's Office for any appropriate fees for your production.

The producer agrees to obtain permits, when appropriate, from governmental institutions affected by the production.

Producer Signature:

Date:

### Instructions

Please attach a certificate of insurance naming the City of Idaho City as an additional insured in the amount of \$1,000,000 general liability, and \$1,000,000 bodily injury, property damage and automobile liability. (\*Student filming and films with a total budget less than \$50,000—contact the Idaho City Clerk's Office regarding your insurance requirements.)

This is an application only and must be submitted with \$25 application fee made payable to City of Idaho City and required insurance documents prior to approval. (\*No fee for student filming or films with a budget less than \$50,000 in Idaho City.)

Send completed applications to Nancy Ptak at <u>idahocityclerk@cityofic.org</u> PO Box 130, Idaho City, ID 83631. Or hand deliver to 511 Main St., Idaho City, ID

Thank you for considering Idaho City as your filming backdrop.

Questions regarding these guidelines should be directed to the city clerk's office: 208-392-4584 or idahocityclerk@cityofic.org | idahocityoffice@cityofic.org



511 Main St. | PO Box 130 | Idaho City, ID 83631 Phone (208) 392-4584

www.idahocity.municipalimpact.com

idahocityclerk@cityofic.org 4cityfolk@cityofic.org idahocityoffice@cityofic.org

### FILMING PERMIT

Date Applie	Date Application Received:     Date Permit Issued:     Permit #:     Approved By:		Date Permit Issued:			
Permit #:			Ву:			
	PER	MIT FEES				
□ \$25.0 □ \$\$.00	00 Permit Application Fee 0 Per Day Permit Fee Non-profit# Day	/S 🗆	\$\$.00 Per Day Permit Fee# Days Student *(must have valid student ID)			
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	<u>Filmi</u>	ng Location				
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De Public Land	d Address:					
Other Addr	'ess:					
Date(s) of Fil	ming: From:	To:				
Time:	From:	To:				
Location Mar	nager E	Email:	Phone:			
Film Title/Pro	oject Description:					

Permit Application (copy attached)

□ Proof of Insurance (see attached)

□ ICPD and/or ICVFD notified and scheduled

□ Filming Guidelines (see attached)

City Clerk / Treasurer



# Grant funding proposal to the Idaho Broadband Advisory Board

### Submitted by White Cloud Communications

January 2nd, 2023



Applicant information: Joseph Shelton, CEO/President Eric Smallwood, Project Manager White Cloud Communications 663 Main Ave E Twin Falls ID 83301 eric@whitecloudcom.com 208-733-5470

### **Application Questions**

i. Please summarize and explain how this project meets the Board's priority of middlemile broadband infrastructure.

White Cloud is proposing to build approximately 8 miles of middle-mile fiber as part of its proposed broadband infrastructure project. The middle-mile fiber will connect an existing Lumen fiber network from Given's Hot Springs to the County seat of Murphy, building accessible fiber to rural residents along Highway 78 in northern Owyhee County. Based on GIS analysis, 222 unserved and underserved addresses are located within two miles of the new fiber route. White Cloud will utilize the middle-mile fiber to provide backhaul to a new fixed wireless tower that will be deployed as part of the proposed broadband project, but the fiber will also be available for middle mile services.



Figure 1: Proposed middle-mile fiber build

## ii. Please summarize and explain how this project meets the Board's priority of being shovel ready.

White Cloud is well positioned to begin the deployment of its the proposed broadband infrastructure shortly after the award of the grant, and to complete the project within 2023. White Cloud has received

letters of commitment from multiple vendors necessary to begin construction of the broadband infrastructure

Crown Utilities is a local utility contractor with extensive experience deploying telecom infrastructure in Idaho. In the attached letter, Crown Utilities has pledged it has the manpower and equipment to complete the project in the summer of 2023. It can begin construction within a week of receiving all permits and material.

SAMPLE

World Tower Company Inc. is a manufacturer of wireless communication infrastructure. Nine fixed wireless towers will be built in the proposed broadband project. In the attached letter, World Tower Company Inc. has committed to being able to manufacture and deliver all towers in the proposed broadband project by June 2023.

Tarana is a fixed wireless technology manufacturer whose fixed wireless tower equipment and subscriber radios will be utilized in the proposed broadband project. Attached is a letter from Tarana stating its commitment to deliver equipment by July 2023.

River City Tower & Construction, LLC is a wireless infrastructure construction company. In the attached letter, it has committed to being able to begin construction of the fixed wireless towers in Summer 2023 and complete construction in Fall 2023.

Once awarded grant funding, White Cloud will immediately begin work on the proposed broadband project, engaging with construction and manufacturing partners to complete deployment within 2023.

iii. Please summarize and explain how this project meets the Board's priority of having significant financial match.

White Cloud will provide 10% of the total project cost as a match. The 10% match will be \$551,185. The other 90% of the project costs, \$4,960,668, will be provided by the grant.

### Broadband project proposal outline and scope

i. Description of the extent to which the project will facilitate deployment of high-speed broadband networks to areas that are currently either unserved, underserved, or both White Cloud Communications will deploy a hybrid project delivering fixed wireless broadband internet service to residents throughout the Snake River Valley in Owyhee County and building middle-mile fiber in Owyhee County, bringing up to 100/20 Mbps service to unserved and underserved residents from Givens Hot Springs to Bruneau. At least 68% of addresses in the proposed project area are currently considered unserved or underserved, making the region an area in need of greater internet access and connectivity.

White Cloud's fixed wireless network will deploy wireless broadband internet service to 1,865 unserved and underserved households at speeds greater than 25/3 Mbps, and 1,838 of the households at a speed greater than 100/20 Mbps. Taking the difference, there are 27 households covered between speeds 25/3 and 100/20 Mbps. It will deploy ten fixed wireless towers to serve communities utilizing Community Broadband Radio Spectrum (CBRS), including 40 MHz of licensed priority spectrum from

White Cloud's Priority Access License (PAL). The sites will consist of ten new tower builds and one collocated on to an existing tower.

- The towers are planned to be located in the towns and areas of:
  - o Bruneau
  - Black Sands
  - o Grandview
  - o Murphy
  - o Noble
  - o Oreana
  - o Wilson
  - o Guffey

Additionally, White Cloud has been in discussion with Owyhee County and will offer the County free or reduced pricing for County services. The towers will also be open to use by first responders and other County users as needs arise. Owyhee County has passed a resolution of support for this project which is attached.

The middle-mile fiber build in Owyhee County will build an additional 8 miles of fiber, enabling additional fiber connectivity options for the local government, businesses, and residents.

The fixed wireless network and new fiber build is estimated to cost \$5.51 million for deployment, including design, tower construction, fiber backhaul construction, electronics, and customer premise equipment (CPEs). White Cloud will work to get the highest possible penetration of residents to subscribe to the broadband service.

ii. Description of type(s) of technology to be used (i.e., fiber, fixed wireless, cable etc.) The fixed wireless network will deliver broadband service using CBRS spectrum.

CBRS is a federally regulated band of wireless spectrum spanning 3,350 to 3,700 MHz (commonly referred to as the 3.5 GHz band). This spectrum range is shared between three tiers of access priority, with higher tier users given preference for spectrum usage within a county. White Cloud Communications has four PALs for the Snake Valley region, granting it priority access to 40 MHz of spectrum. Also, White Cloud proposes to use an additional 40 MHz of GAA spectrum for a total of 80 MHz of spectrum. The combined spectrum will enable White Cloud to provide the needed capacity consistently across the service area.

White Cloud will deploy ten wireless towers throughout the service area. Each tower will be equipped with four antennas with Massive MIMO/Beamforming capabilities. To achieve the 100/20 Mbps requirement, spectral efficiencies above what is available in conventional LTE technologies must be employed. Therefore, the technology chosen is a beamforming, high bandwidth solution from Tarana networks.

White Cloud is in a business relationship with Tarana and is currently trialing Tarana equipment. Beamforming is a type of signal management in which a wireless signal is directed toward a specific receiving device, instead of spreading out uniformly. Massive or FD MIMO (multiple-input and multiple output) is the ability to use beamforming and multiuser MIMO on a single antenna to create several simultaneous beams across a single antenna thus increasing system capacity. Using these technology enhancements, the sector level spectral efficiency can be from 3x to 10x higher than LTE technologies.

Figure 1 displays the coverage map for the fixed wireless network. Figure 2, Figure 3, and Figure 4 show the unserved, underserved, and currently served addresses that can be served by White Cloud Communications' fixed wireless network and at what speeds they can be served.

The address point data is sourced from Microsoft's county wide open building footprints dataset<sup>1</sup>, with additional extensive analysis to remove errant records and extra locations to ensure the total locations would be as accurate as possible when identifying broadband serviceable locations. Service availability data is aggregated from the latest FCC data release<sup>23</sup> to the census block level, which was then used to apply to broadband serviceable locations to determine the totals of served, unserved, and underserved addresses.

<sup>&</sup>lt;sup>1</sup> GitHub - microsoft/USBuildingFootprints: Computer generated building footprints for the United States, <u>https://github.com/microsoft/USBuildingFootprints</u>

<sup>&</sup>lt;sup>2</sup> broadband-map-data-downloads.pdf | Powered by Box, <u>https://us-fcc.app.box.com/v/bdc-data-downloads-output</u>

<sup>&</sup>lt;sup>3</sup> Nationwide Data | FCC National Broadband Map, <u>https://broadbandmap.fcc.gov/data-download/nationwide-data</u>

21.9

Figure 2: Area wide coverage map



Figure 3: Coverage to unserved addresses





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Figure 4: Coverage to underserved addresses

Figure 5: Coverage to served addresses



Approximately 8 miles of fiber backhaul will be constructed to connect towers to an existing Lumen fiber backhaul network. These towers will then transport backhaul to other towers that do not have fiber backhaul using point-to-point microwave connections. The fiber routes were designed based on map images of Lumen's fiber network, provided by Lumen, which were digitized for analysis.

The towers anticipated to receive the fiber backhaul are:

- Wilson
- Murphy
- Grand View
- Bruneau

Additionally, the 8 miles of new fiber build connecting to the Murphy tower will also enable middle-mile services to local government, businesses, and residents.

Figure 5 shows the fiber routes to the targeted towers.



Figure 6: Fiber routes to towers



The proposed project will also provide customer premises equipment (CPE) manufactured by Tarana at each customer premises. The CPE consists of an antenna with an integrated modem installed outside the service location along the rooftop. The CPE antenna can employ beamforming, single user MIMO, and multi-user MIMO. The modem also contains an integrated home router.

### iii. Number of unserved or underserved locations and/or households that will be served by the project and at which speeds the locations will be connected (i.e., 25/3 Mbps, 100/20 Mbps, or 100/100 Mbps)

Figure 6 presents the currently served, unserved, and underserved addresses that exist within the service area of the proposed fixed wireless network. For Owyhee County, 1,401 addresses are unserved, 1,865 addresses are underserved (inclusive of the unserved addresses), and 855 addresses are served.

The address point data is sourced from Microsoft's county-wide open building footprints dataset<sup>4</sup>, with additional extensive analysis to remove errant records and extra locations to ensure the total locations would be as accurate as possible when identifying broadband serviceable locations. Service availability

<sup>&</sup>lt;sup>4</sup> GitHub - microsoft/USBuildingFootprints: Computer generated building footprints for the United States, <u>https://github.com/microsoft/USBuildingFootprints</u>

data is aggregated from the latest FCC data release<sup>56</sup> to the census block level, which was then used to apply to broadband serviceable locations to determine the totals of served, unserved, and underserved addresses.

Figure 7: Currently served, unserved, and underserved addresses within the proposed service area (Source: Microsoft's countywide open building footprints dataset and FCC data release)



Table 1 details the coverage provided by the fixed wireless network to both unserved (<25/3 Mbps) and underserved (<100/20 Mbps) locations. The count of the underserved addresses in this table is inclusive of the unserved addresses, and the address counts for coverage greater than 100/20 Mbps are inclusive of addresses that can receive greater than 25/3 Mbps.

<sup>&</sup>lt;sup>5</sup> broadband-map-data-downloads.pdf | Powered by Box, <u>https://us-fcc.app.box.com/v/bdc-data-downloads-output</u>

<sup>&</sup>lt;sup>5</sup> Nationwide Data | FCC National Broadband Map, <u>https://broadbandmap.fcc.gov/data-download/nationwide-</u> <u>data</u>



Site Name	Underserved- Coverage >100/20 Mbps	Underserved- Coverage >25/3 Mbps	Unserved- Coverage >100/20 Mbps	Unserved- Coverage >25/3 Mbps	
Bruneau	174	171	167	164	
Davis	209	206	167	164	
<b>Gravel Pit Tower</b>	27	25	27	25	
Guffey	86	81	76	74	
Grand View Fire Tower	129	129	128	128	
Grand View	458	458	428	428	
Murphy	70	69	70	69	
Noble	455	447	211	205	
Oreana	113	112	113	112	
Wilson	144	140	14	14	
Grand Total	1,865	1,838	1,401	1,383	

Table 1: Addresses being served by the wireless network.

Table 2 present a sample of key locations are served by the proposed design.

Table 2: Sample anchor institutions in the service area

Name	Longitude	Latitude	Strongest Tower	Received Power (dBm)	Downlink Speed (Mbps)	Uplink Speed (Mbps)
Bruneau Fire Department	-115.798	42.88138	Bruneau	-59.9	652.6	145
Grand View Fire Department	-116.098	42.98516	GView	-65.8	652.6	145
Grand View Sewer Department	-116.098	42.98449	GView	-65.1	652.6	145
Melba Rural Fire Protection District	-116.529	43.37622	Guffey	-75.6	442.4	145
Murphy Reynolds Wilson Fire District	-116.7	43.40941	Noble	-76.6	442.4	145
Murphy Reynolds Wilson Fire District, Wilson Station	-116.652	43.3615	Wilson	-71.9	575	145
Owyhee County Community Development	-116.552	43.21635	Murphy	-63.2	652.6	145
Owyhee County Museum & Library	-116.551	43.21592	Murphy	-62.1	652.6	145
Owyhee County Sheriff's Office and the Owyhee County Court	-116.551	43.21656	Murphy	-62.1	652.6	145

# SAMPLE

The project will also build a fiber connection to the Owyhee County Court, providing broadband service to the multiple agencies that operate within the courthouse. This includes the County commissioners, clerks, courts, prosecuting attorney, assessor, treasurer, Building Department, and the County Road and Bridge District.

### iv. Project term for the proposal (anticipated time frame for project from start to finish in months)

Deployment is estimated to take 12 - 18 months for completion. Construction of the towers and the buildout of the fiber will be managed in parallel. It is estimated that at least one tower and its fiber backhaul can be completed in 9 months, at which point it can begin serving residents. Each tower can begin operation to serve residents as they are completed.

### v. Funding request

White Cloud Communications is requesting \$4,960,668 to fund the deployment of the fixed wireless network.

### vi. Anticipated total project costs and financing sources

The total project is estimated to cost \$5,511,854. 90% of the project costs will be funded via the Idaho Broadband Advisory Board broadband project grant. 10% or \$551,185 of the project costs will be provided as match by White Cloud.

### vii. Project ownership (i.e., private, public, public/private partnership, other)

White Cloud Communications will construct and own the entirety of the network. It will deploy and own all network equipment, procure internet backhaul, and provide service to residents.

White Cloud has been in discussion with Owyhee County and will offer the County free or reduced pricing for County services. Additionally, the towers will be open to use by first responders and other County users as needs arise.

The Middle Mile fiber being constructed in this project will be open access fiber, any other providers or government entities which would like to use it will have access to the infrastructure.

### viii. Proposed project costs (include budget overview and estimated costs)

The estimated total project costs are provided in Table 3. This assumes a CPE count of 1,399 of the 1,865 for 75% of the underserved households to provide service at speeds greater than 25/3 Mbps. The fiber costs were estimated at an average cost of approximately \$125,000 per mile, based on costs from past projects in the region. Although the proposed project assumes a 75% penetration, White Cloud will work to get the highest possible penetration of residents to subscribe to the service.



CAPEX Report	Cost	Cost Per Subscriber	Cost Per Site
RAN Hardware Costs	\$608,680	\$326	\$60,868
Fiber Cost to 4 sites	\$1,000,000	\$536	\$100,000
Wireless Backhaul to 6 sites	\$85,500	\$46	\$8,550
Installations Cost	\$30,000	\$16	\$3,000
New Tower Construction	\$1,800,000	\$965	\$180,000
Design Cost	\$219,654	\$118	\$21,965
Total Cost (Distribution Only)	\$3,743,834	\$2,007	\$374,383
CPE Costs (Electronics)	\$1,611,360	\$864	\$161,136
CPE Costs (Installation)	\$746,000	\$400	\$74,600
Total Cost (100% penetration)	\$6,101,194	\$3,271	\$610,119
Total Cost (75% penetration)	\$5,511,854	\$3,941	\$551,185

#### Table 3: Estimated total project costs

### ix. Explanation and demonstration of the applicant's financial ability to complete the project within the applicant's proposed budget

White Cloud Communications is a 40-year-old company based in Idaho. The company's headquarters are in Twin Falls with branch offices in Garden City, Burley, and Idaho Falls, as well as in Elko, Nevada. White Cloud started out as a two-way radio business focused on sales and service to both public and private entities. Over a decade ago, White Cloud expanded into the internet space as well.

The management team at White Cloud has about 50 years of combined experience. We have completed ten fixed wireless network builds; these are located in Idaho, Texas, Arizona, Illinois, Indiana, and Kentucky. All are still successfully operating, and we assist their owners in various capacities with keeping their networks running.

We currently operate White Cloud Networks in Idaho and White Cloud Networks Nevada. We serve about 3,700 customers. In Idaho we cover areas from Idaho Falls in the east to Vale, Oregon in the west. We are specialists in bringing bandwidth to remote rural areas.

White Cloud operates virtually debt free, which sets us up for success in projects like this. Due to our cash flow and the fact that we have no existing debt to service, we are capable of obtaining any short-term financing we would require to complete this project.

White Cloud has a proven track record with the Idaho Department of Commerce. We have successfully completed four broadband grants in four communities totaling \$2.9 million. All projects were completed on time and on budget.

White Cloud has never filed for bankruptcy and is not subject to any other financial or legal issues.

White Cloud has had a partnership with the Idaho National Laboratory for close to a decade. The INL is America's premier nuclear lab. We currently maintain and oversee all of the INL's radio communications infrastructure. This requires Q Clearance with the Department of Energy. White Cloud is also a trusted partner of Hill Air Force Base, overseeing the maintenance of their radio communications as well.

# SAMPLE

### x. Description of any proposed match

White Cloud will provide 10% of the total project cost as a match. The 10% match will be \$551,185. The other 90% of the project costs, \$4,960,668, will be provided by the grant.

### xi. Description of whether (and if so, how) this project works in conjunction with the Idaho Broadband Advisory Board's Strategic Plan

White Cloud Communications will deploy fixed wireless broadband internet service to residents throughout Snake Valley, bringing 100/20 Mbps service speeds to unserved and underserved residents. This project is completely aligned with the Idaho Broadband Advisory Board's Strategic Plan, "which supports the board's vision that Idahoans have access to affordable and reliable broadband infrastructure."<sup>7</sup> White Cloud's proposed project will enable currently unserved and underserved Idaho residents to reliably and affordably access broadband service that, in turn, enables distance learning (K-12, college, workforce training), telehealth, remote work, the operation of home-based businesses, and other economic development benefits in a region that currently lacks service.

Additionally, as part of White Cloud's discussions with Owyhee County, the project will build a fiber connection to the Owyhee County Court, providing broadband service to the multiple agencies that operate within the courthouse. This includes the County commissioners, clerks, courts, prosecuting attorney, assessor, treasurer, Building Department, and the County Road and Bridge District. The towers will also be open to any first responder and other County users as needs arise.

Attached to this proposal is a resolution from the Owyhee County Board of County Commissioners confirming their support for White Cloud's proposed broadband grant.

<sup>&</sup>lt;sup>7</sup> Idaho Broadband Advisory Board, https://commerce.idaho.gov/broadband/idaho-broadband-advisory-board/.

### **Owyhee County Resolution 2022-34**

### A RESOLUTION BY THE OWYHEE COUNTY BOARD OF COUNTY COMMISSIONERS SUPPORTING A PROPOSED BROADBAND GRANT SUBMITTED BY WHITE CLOUD COMMUNICTIONS FOR BROADBAND ENHANCEMENT IN OWYHEE COUNTY

WHEREAS, The Board of County Commissioners has been actively working for many years to provide the broadband capacity and access needed by the citizens of the county; and

WHEREAS, the current inadequate access to broadband service is the result of the rural nature of the county, the distance from the more populated counties where such service exists, and the lack of adequate county funding for improvement; and

WHEREAS, Beginning in 2020 with the Cares Act, Owyhee County has attempted to obtain funding to provide the access needed and desired by the state and the citizens of the county; and

WHEREAS, The County submitted a grant application in 2020 which was approved for federal funding only to have the project fail due to lack of capability of the selected vendor to complete the project within the federal timelines specified; and

WHEREAS, The County looked to the success of White Cloud Communications on other county projects funded by that same grant funding; and

WHEREAS, White Cloud Communications has worked since that time to survey the areas in need and to establish land access and other permissions to develop an effective Broadband delivery network to those needy areas; and

WHEREAS, White Cloud has developed and submitted to the Idaho Broadband Advisory Board a viable project that will serve the needs of the underserved populations of the County and which can be put in place by White Cloud with the funding sought and in the time required; and

WHEREAS, The Board of County Commissioners has faith in White Cloud Communications to complete the project and provide the necessary improved access; and

WHEREAS, A resolution supporting the project application by White Cloud Communications for service in Owyhee County may be useful in the decision making process used by the Idaho Broadband Advisory Board; and

WHEREAS, An Idaho Broadband Advisory Board decision to approve the White Cloud Application will be extremely beneficial to the citizens of the county and will be consistent with the Broadband goals and objectives of the State of Idaho.

**NOW THEREFORE,** be it resolved, and declared that the OWYHEE COUNTY, Idaho Board of Commissioners, supports the White Cloud Communications application for funding for Broadband in Owyhee County.

Owyhee County Resolution 2022-34

1

Supporting the Application Submitted to the Idaho Broadband Advisory Board for Broadband Enhancement in Owyhee County
IT IS FURTHER RESOLVED THAT this Resolution is effective on the date of signatures of the Board.

Dated this 27th day of December 2022

Joe Merrick, Chairman

L. Hoagland, Commissioner Jem

Kelly Aberasturi, Commissioner

ATTEST:

high Brukell Clerk

**Owyhee County Resolution 2022-34** 

Supporting the Application Submitted to the Idaho Broadband Advisory Board for Broadband Enhancement in Owyhee County

SAM172E



12/23/22

White Cloud 663 Main Ave. Twin Falls, ID 83301

Re: Order for New Towers

Attn: Eric Smallwood

This letter is to inform you that any towers purchased on or before 1/30/2023 as specified in the Owyhee County Grant Proposal will be manufactured and ready to deliver to you no later than 6/30/23. If you have any more questions or need additional information, please do not hesitate to contact us.

Respectfully,

Brent Walker President World Tower Company, Inc.



River City Tower & Construction, LLC 1477 Hills Road, Newburgh, IN 47630 812-217-0121

12/28/22

White Cloud 633 Main Ave Twin Falls, ID 83301

Re: Tower Installation

Attn: Eric Smallwood

This letter is to inform the Idaho Broadband Advisory Board that River City Tower has the time and availability to build and erect the nine towers as specified in the White Cloud Owyhee County Grant Proposal. We can complete the build of the nine towers by the fall of 2023 if we start in the summer of 2023.

5 Respectfully, Jessica G Robling

Treasurer River City Tower & Construction, LLC WhiteCloud Communications Attn; Eric Smallwood 663 Main Ave E. Twin Falls, ID 83301

Dear Mr. Smallwood,

This letter is to serve as notification that if White Cloud orders the tower equipment and the subscriber radios as described in their Owyhee grant by January 30<sup>th</sup>, Tarana can deliver the equipment by July 15<sup>th</sup> of summer 2023.

TARANA

Thank you for commitment to Taranal

Sincerely,

George Hellmoth

George Hellmuth Head of Sales, North America

Tarana Wireless, Inc. | 590 Alder Drive, Milpitas, CA 95035 | www.taranawireless.com

December 28th, 2022

White Cloud Communications ATTN: Jerry Gonterman

Project Name: Owyhee Middle Mile Fiber

Dear Jerry,

Thank you for selecting Crown Utilities as a potential contractor on your upcoming project. Crown Utilities is pleased to partner with White Cloud Communications on your upcoming project Owyhee Middle Mile Fiber. If awarded this project, Crown Utilities has the manpower and equipment to complete this project in the summer of 2023. Crown can begin mobilizing within a week notice of all permits and material on hand.

SAMPLE

We are a local utility construction company and with some of our employees residing in Owyhee County, we anticipate a smooth and efficient construction project. We are confident that our proven experience, venerable relationships with each of the local municipalities and regulatory authorities, and our unique understanding of the varied geological and climatic challenges of the region gives us a strong advantage and provides us with the exclusive knowledge that is needed to accurately bid, strategically plan, and efficiently complete this project.

For this installation we will be able to deploy crews to multiple routes and will vary the placement methods based on the terrain in the area. Crown Utilities will clear, clean, and make ready all work areas for all routes to be delivered by the project deadlines.

We are confident in our ability to adhere to Crown Utilities and White Cloud high standards for workmanship and ongoing support. Feel free to contact me directly should you have questions or require further information.



Will Cervantes Supervisor Crown Utilities, LLC 208-358-6674



#### LEASE AGREEMENT

\* \* \* \* \* \*

THIS LEASE AGREEMENT was entered into on APRIL, 2023, between The City of Idaho City, an Idaho municipal corporation ("Lessor") and Tom's Service DBA Gentry's Outpost & Leon's Cafe ("Lessee").

#### RECITALS

The parties recite and declare:

Lessee is the owner of real property in Idaho City, Idaho more particularly described in Exhibit A attached hereto. Lessee's property is operated as a retail store known as "Gentry's Outpost" and restaurant known as "Leon's Cafe." Lessor is the owner of real property adjoining the Leon's Café & Gentry's Outpost property on the south, identified as "Block V" record of survey instrument No. 122026, in the survey attached hereto as Exhibit B.

When the prior owner of "Donna's Place" was destroyed by fire in 2010, Lessor allowed the reconstruction of the improvements to include a boardwalk and stairs that encroach upon city property described in Exhibit B, with the explicit understanding that the real property encroached upon and the improvements located thereon would remain under the control of Lessor. It is the strip of land upon which the encroachment is located that is the subject of this lease.

In consideration of the mutual covenants contained in this lease agreement, the parties agree as follows:

#### SECTION ONE DESCRIPTION OF PREMISES

A. The strip of land that is the subject of this lease is that portion of Block V, record of survey No. 122016 identified in said record of survey attached hereto as Exhibit B as the encroachment of the boardwalk and stairs of Leon's Café & Gentry's Outpost. The boardwalk encroachment is identified as 4.2 feet on the west end of the boardwalk, tapering to 2.2 feet on the east end of the boardwalk. Two sets of stairs extending from the boardwalk extend the encroachment to 7.5 feet and 7.0 feet for the stairs only.

B. The demised premises shall be used for access to and purposes of a retail store and restaurant.

#### SECTION TWO TERM OF LEASE

The term of this lease shall be for 2 years commencing APRIL, 2023 and subject to renewal by agreement of the parties.

#### SECTION THREE RENTAL

Lessee shall pay the sum of \$100 per year, with \$100 payable at the commencement of this lease and \$100 each year thereafter, said payment due and payable on the anniversary date of the commencement of this lease.

#### SECTION FOUR RESTRICTIONS ON USE

Lessee shall not use or permit the demised premises, or any part of the demised premises, to be used for any purposes other than those set forth in this lease agreement. Lessee shall neither permit on the demised premises any act, sale or storage that may be prohibited under standard forms of fire insurance policies, nor use the premises for any such purpose. In addition, no use shall be made or permitted to be made that shall result in (1) waste on the demised premises, (2) a public or private nuisance that may disturb the quiet enjoyment of other occupants of Lessor's property, (3) improper, unlawful or objectionable use, or (4) noises or vibrations that may disturb other occupants of Lessor's property. Lessee shall comply with all governmental regulations and statutes affecting the demised premises either now or in the future.

#### SECTION FIVE ALTERATIONS AND MODIFICATION; REPAIRS

A. Lessee shall take good care of the demised premises and is fully responsible for the repair and maintenance of improvements located on said real property. Lessee must notify Lessor of any improvements to be made, and any such improvements or modifications shall not be made without the express consent of Lessor.

B. All damage or injury done to the demised premises by Lessee or any person who may be in or on the demised premises with the consent of Lessee shall be paid for by Lessee.

C. Lessee shall, at the termination of this lease agreement, surrender the demised premises to Lessor in as good a condition and repair as reasonable and proper use of the premises will permit.

#### SECTION SIX LIABILITY OF LESSOR

A. Lessee waives all claims against Lessor for damages to goods or for injuries to persons on or about the demised premises from any cause arising at any time.

B. Lessee will indemnify Lessor on account of any damage or injury to any person, or to the goods of any person, arising from the use of the demised premises by Lessee, or arising from the failure of Lessee to keep the demised premises in good condition as provided in this lease agreement.

C. Lessor shall not be liable to Lessee for any damage by or from any act or negligence of any other occupant of the same building, or by any owner or occupant of adjoining or contiguous property.

D. Lessee agrees to pay for all damage to the building, as well as damage or injury suffered by tenants or occupants of the building caused by the misuse or neglect of the demised

premises by Lessee.

E. Lessee shall indemnify, defend and hold Lessor harmless from any and all claims and damages (including reasonable attorney's fees and costs) arising from Lessee's use of the demised premises or the conduct of its business or from any activity, work or thing done, permitted or suffered by Lessee, in or about the demised premises unless caused by Lessor, Lessor's agents or employees.

#### SECTION SEVEN ASSIGNMENT AND SUBLEASE

Lessee shall not assign any rights or duties under this lease agreement nor sublet the demised premises or any part of the demised premises, nor allow any other person to occupy or use the demised premises without the prior, express, and written consent of Lessor. A consent to one assignment, sublease or occupation or use by any other person shall not be a consent to any subsequent assignment, sublease or occupation or use by another person. Any assignment or subletting without consent shall be void.

#### SECTION EIGHT EFFECT OF BREACH

In the event of a breach of this lease agreement, the rights of Lessor shall be as follows: Lessor shall have the right to cancel and terminate this lease agreement, as well as all of the rights, title and interest of Lessee under this lease agreement, by giving to Lessee not less than thirty days' notice of the cancellation and termination. On expiration of the time fixed in the notice, this lease agreement and the right, title and interest of Lessee under this lease agreement shall terminate in the same manner and with the same force and effect, except as to Lessee's liability, as if the date fixed in the notice of cancellation and termination were the end of the lease term.

#### SECTION NINE REMEDIES OF LESSOR CUMULATIVE

The remedies given to Lessor in this lease agreement shall be cumulative, and the exercise of any one remedy by Lessor shall not be to the exclusion of any other remedy.

#### SECTION TEN GOVERNING LAW

It is agreed that this lease agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Idaho.

#### SECTION ELEVEN WAIVERS

Waiver by Lessor of any breach of any covenant or duty of Lessee under this lease is not a waiver of a breach of any other covenant or duty of Lessee, or of any subsequent breach of the same covenant or duty.

#### SECTION TWELVE ENTIRE AGREEMENT

This lease agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this lease agreement shall not be binding upon either party except to the extent incorporated in this lease agreement.

#### SECTION THIRTEEN MODIFICATION OF AGREEMENT

Any modification of this lease agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidenced in a writing signed by each party or an authorized representative of each party.

#### SECTION FOURTEEN NOTICES

All notices, demands or other writings in this lease agreement provided to be given or made or sent, or which may be given or made or sent by either party to the other, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, registered and addressed as follows:

TO LESSOR: City of Idaho City, PO Box 130, Idaho City, ID 83631 TO LESSEE: Tom's Service DBA Leon's Café & Gentry's Outpost, 200 Main St. Idaho City, ID 83631

The address to which any notice, demand or other writing may be given or made or sent to any party as above provided may be changed by written notice given by such party as above provided.

Mayor, City of Idaho City, Lessor

Tom's Service DBA Leon's Café & Gentry's Outpost, Lessee

STATE OF IDAHO County of Boise

) ) ss. )

On this \_\_\_\_\_day of \_\_\_\_\_\_, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_\_\_ and \_\_\_\_\_\_, known to me to be the persons whose names are subscribed to the foregoing document, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO RESIDING AT IDAHO CITY MY COMMISSION EXPIRES



April 2, 2023

City Council, City of Idaho City 511 Main Street PO Box 130 Idaho City, ID 83631

**City Council Members**,

Hi, my name is Tammy Correll and I am interested in a position on the Parks and Recreation Commission. I have lived in Idaho City (Centerville) since 1997. Both of my children went to Idaho City schools and my grandson is in the 3rd grade at Basin Elementary.

I currently volunteer with Idaho City Christian Center as their bookkeeper and the Basin School District PTA as the treasurer. I just became involved with the Mores Creek Recreational Foundation. I also do some bookwork for the Mountain Kids Day Camp. I volunteer at Basin Elementary one day a week. And, I manage the Idaho City Little League Baseball Rookies/Minors Team.

I would like to be on the Commission to take a more active role in the community. I want to be involved in helping plan and develop more outdoor spaces/parks, recreational activities and programs. Thank you for your consideration.

Sincerely,

mmy Correll

Tammy Coffell 140 Grimes Pass Road <u>Centerville, ID</u> 83631



April 2, 2023

City Council, City of Idaho City 511 Main Street PO Box 130 Idaho City, ID 83631

City Council Members,

Hello, my name is James (Woody) Correll and I would like to join the Parks and Recreation Commission. My family has lived in this area since 1978. I spent eleven years in the US Army and moved back here in 1997. I have just recently retired from the USPS and am interested in volunteering activities.

I love the outdoors and doing things within the community. I am currently coaching the Rookies/Minors Little League Baseball team. I hope to see the Parks and Recreation Committee start building more outdoor activities for our children. I have a background in maintenance, to include electrical and plumbing, and heavy equipment. I would like to be a part of the Parks and Recreation Commission and use my knowledge to help our community.

Thank you for this opportunity.

Sincerely

James (Woody) Correll 140 Grimes Pass Road Centerville, ID 83631



#### Letter of Intent

THIS LETTER OF INTENT (the "Document") made as of this 30th day of March, 2023 (the "Execution Date"),

#### **BETWEEN:**

Shaunna Roeber of 117 Prospector Ln, Idaho City, ID 83631, USA City of Idaho City of 511 Main St., PO Box 130 Idaho City, ID 83631

(individually the "Party" and collectively the "Parties")

#### BACKGROUND:

This Document will establish the basic terms to be used in a future agreement between the Parties. The terms contained in this Document are not comprehensive and it is expected that additional terms may be added, and existing terms may be changed or deleted. The basic terms are as follows:

#### **Non-Binding**

1. This Document does not create a binding agreement between the Parties and will not be enforceable. Only the future agreement, duly executed by the Parties, will be enforceable. The terms and conditions of the future agreement will supersede any terms and conditions contained in this Document. The Parties are not prevented from entering into negotiations with third parties with regard to the subject matter of this Document.

#### **Transaction Description**

- 2. The subject of this transaction is described as follows:
  - Join the Parks and Recreation Board

#### **Closing Date**

 The transaction will be completed on or about the 30th day of March, 2023 (the "Closing Date"). All obligations as indicated in the future agreement will be completed and met by the Closing Date.

#### Representations

4. The Parties represent and warrant that their respective assets, real property or personal property, which constitutes any or all of this proposed transaction, are free and clear of any liens, charges, encumbrances or rights of others. If the representations of one or more of the Parties are untrue upon the Closing Date, then any remaining Parties may terminate any future agreement without penalty and any deposits must be refunded.

This Document accurately reflects the understanding between the Parties, signed on this 30th day of March, 2023.



Per: \_\_\_\_\_ (Seal)

City of Idaho City (Party)





### 511 Main St. | PO Box 130 | Idaho City, ID 83631 | Phone (208) 392-4584 www.idahocity.municipalimpact.com

idahocityclerk@cityofic.org idahocityoffice@cityofic.org 4cityfolk@cityofic.org

## **MOBILE FOOD TRUCK PERMIT APPLICATION**

# MOBILE FOOD TRUCK FEES ARE: \$\$0.00 PER DAY (NON-REFUNDABLE) PLEASE ATTACH THE PROPER AMOUNT AND RETURN TO CITY HALL.

Application Date:		
Owner Name:		
Owner Address:		
Owner Phone:	Owner Email:	
Business Name:		
Business Address:		
Business Phone:	Business Email (if applicable):	
Business License #	Mobile Food Facility Permit #	

Liquor License # (if applicable):

If selling alcohol from Mobile Food Truck, you must also complete a Liquor Catering Permit Application, pay associated fees, and attach originals.

Vehicle License Plate Number:

Description of Goods or Services Sold:

PHYSICAL ADDRESS AND OWNER OF THE PROPERTY WITHIN IDAHO CITY WHERE YOU WANT TO SELL YOUR PRODUCT: PLEASE NOTE THAT NO VENDOR CAN LOCATE ON CITY PROPERTY OR RIGHT OF WAYS WITHOUT PERMISSION OF THE CITY. YOU MUST ARRANGE TO USE PRIVATE PROPERTY.

DATE(S) AND HOURS YOU WANT TO CONDUCT BUSINESS:

Required for each Vending Location (see page 2):

Letter from Property Owner - Required if setting up on private property,

Depared Food - Copy of Central District Health Certification, Permit, License, or Exemption required.

□ Location setup diagram – Units shall be parked in a legal manner and vending operations shall be conducted only in approved locations

Liquor Catering Permit & fees

Applicant Signature

Date

# **TEMPORARY / MOBILE FOOD TRUCK LOCATION LIST**

Vending Locatio	n	Day(s)/Date(s) Of Vending	Times Of Vending	Letter from Property Owner	Location Set-up Diagram
		- <del>1</del>			
n eta Ll					
	(	OFFICE USE ONLY			
All documentation attached					
ee Collected: \$	Receipt #: Expiration Date:		Date License Issued:		
tart Date:					



#### CITY OF IDAHO CITY, IDAHO

#### **RESOLUTION NO. 2023-02**

A resolution of the City Council of the city of Idaho City designating City Clerk as records custodian for all departments of the city of Idaho City and that Deputy Clerk is designated as the alternate custodian.

Whereas, the city of Idaho City designates City Clerk, Nancy Ptak, as records custodian for all departments of the city of Idaho City and that Deputy Clerk, Kaleb Goodlett, is designated as the alternate custodian.

Now, therefore, be it resolved by the City Council of the city of Idaho City, Idaho, that the City Council designated City Clerk, Nancy Ptak, as records custodian for all departments of the city of Idaho City and that Deputy Clerk, Kaleb Goodlett, is designated as the alternate custodian.

PASSED BY THE COUNCIL of the City of Idaho City this \_\_\_\_\_ day of April, 2023.

APPROVED BY THE MAYOR of the City of Idaho City this \_\_\_\_\_ day of April, 2023.

Kenneth Everhart, Mayor

ATTEST:

Nancy Ptak, City Clerk/Treasurer



### CITY OF IDAHO CITY, IDAHO

#### RESOLUTION NO. 2023-03

#### A RESOLUTION BY THE CITY OF IDAHO CITY CITY COUNCIL SUPPORTING A PROPOSED BROADBAND GRANT SUBMITTED BY WHITE CLOUD COMMUNICATIONS FOR BROADBAND ENHANCEMENT IN IDAHO CITY

WHEREAS, the current inadequate access to broadband service is the result of the rural nature of the city, the distance from the more populated counties where such service exists. and the lack of adequate city funding for improvement: and

WHEREAS, The City of Idaho City looked to the success of White Cloud Communications on other projects funded by grant funding; and

WHEREAS, White Cloud has developed and submitted to the Idaho Broadband Advisory Board a viable project that will serve the needs of the underserved populations of Idaho City, and which can be put in place by White Cloud with the funding sought and, in the time, required; and

WHEREAS, The Idaho City City Council has faith in White Cloud Communications to complete the project and provide the necessary improved access; and

WHEREAS, A resolution supporting the project application by White Cloud Communications for service in Idaho City may be useful in the decision-making process used by the Idaho Broadband Advisory Board; and

WHEREAS, An Idaho Broadband Advisory Board decision to approve the White Cloud Application will be extremely beneficial to the citizens of the city and will be consistent with the Broadband goals and objectives of the State of Idaho.

NOW THEREFORE, be it resolved, and declared that the City of Idaho City Council, supports the White Cloud Communications application for funding for Broadband in Idaho City.

PASSED BY THE COUNCIL of the City of Idaho City this \_\_\_\_\_ day of April, 2023.

APPROVED BY THE MAYOR of the City of Idaho City this \_\_\_\_\_ day of April, 2023.

Kenneth Everhart, Mayor

Attest:\_\_\_\_\_

Nancy Ptak, City Clerk/Treasurer



From what I have been able to find, the Reynolds' have never owned the land, just the mobile home. Vivos trust sold to Nelson in 1990, Nelson sold to Trudy Jackson in 2020 and Trudy sold to Bryce Jackson in 2022. But that is just the land and Bryce's house, not Bob's MH. It was manufactured in 1986 and likely placed there then.

Attached is an image (Resolution 94-10) of what I think the legal depicts – just a guess. The aerial map (8ob Reynolds MH for Nancy at IC) shows how the mobile home lays on the land. It might hang over the line a little, can't really tell. Maybe if Trudy's surveyor ever records her new survey, we will know. I know there is an old footpath that crosses from Myer Street, beside Jason Rowe's house, up to the Reynolds MH, right across the leased land. Maybe the lease agreement was for that?





#### LEASE ACREEMENT

This Lease is made on this <u>AJEd</u> day of <u>DDUCNDER</u>, 1994 by and between the City of Idaho City, <u>Municipal Corporation</u>, Located in Boise County, Idaho, hereinafter referred to as "City" and Robert and Patt<u>2C</u> Reynolds, husband and wife, whose address is P.O. Box 366, Idaho City, Idaho, 83631, hereinafter referred to as "Lessees".

#### DEFINITIONS AND PROVISIONS

- Term: The term and here of shall be for one (1) year renewable automatically each year, on the <u>3384</u> day of <u>NOUEMBER</u>, each year and terminating on the <u>3384</u> day of <u>NOUEMBER</u>, 2044, at the hour of 11:59 p.m., unless City or Lessee give thirty (30) day notice of termination of lease. Either party may Terminate the lease upon thirty (30) days written notice with or without cause.
- Lease Payment: Lessees shall pay the City the sum of one dollar (\$1.00) a year, of United States Currency, payable at the Idaho City Hall at the time of executing this lease agreement, or as the parties shall agree.
- Ordinances and Statutes: Lessees shall comply with all Statutes, Ordinances and requirements of all Municipal, State and Federal authorities now in force, to keep property free of debris, kept free from fire hazard, or which may hereinafter be in force pretaining to the use of the premises.
- Assignment and Subletting: Lessees shall not assign this agreement, their rights and duties under this lease nor any part thereof without written consent of the City.

In witness whereof, the parties have set their hands as of the day and year hereinafter above first written.

CITY OF IDAHO CITY:

**APPROVED:** 

ATTEST:

215.95 Campbell Mayor Pat Leslie A. Barkell City Clerk

LEESSEE:

Robert Reynolds NDO

State of Idaho)
County of <u>Baise</u> )
On this 23 day of Noundan, in the year 19 94, before me
Shinky Q. George , personally appeared Robert Energy Personally
and Battice Reynolds, proved to me on the basis of satisfactory
evidence to the persons whose names are subscribed to the within instrument,
and acknowledged that they executed the same. A
s Applin & Head
E Notary Public
A My Commission Expires On 5-25-99
L

. . 2

S My Commission Expires on 6-8-2000 E AL

#### **RESOLUTION NO. 94-10**

BE IT RESOLVED by the Mayor and City Council of the City of Idaho City, Idaho, Boise County that,

WHERAS The City is the sole owner, in fee simply, of certain Real Property within the City of Idaho City, described as follows:

> This Idaho City Lot is located in Block M of the 1915 filing plat of the City of Idaho City. The land description is as follows: Beginning at the Southwest corner of Lot 10 thence in a South easterly direction 124 feet along the South boundary of Lot 10 to a point on Lot 16, thence due South 138 feet to a point on lot 9, thence due West 117 feet along the North Boundary of Lot 9 to the Northwest corner, of Lot 9, thence Northwest 154 feet along the Northeast boundary of Lot 3 to a corner point, thence 31 feet North easterly to the Southwest corner of Lot 10, the point of beginning.

WHEREAS The City by and through its City Council, has determined the property described above is unneeded for City purposes.

BE IT FURTHER RESOLVED, The City's desire to lease the property to Patti and Robert Reynolds and to enter into a lease agreement to define the respective rights, duties and liabilities relating to the property.

Passed by the City Council of the City of Idaho City, Idaho, Boise County, this  $\frac{1/24}{2}$  day of <u>OCLOBER</u>, 1994.

ATTEST:

Barkell City Cletk

APPROVED:

MAYOR PAT CAMPBELL



Receipt No.151368 99 11 Date Patter RECEIVED FROM \$100 26 EOR RENT DOLLARS FOR FROM 10 ACCOUNT cash PAYMENT 110 check BY S.L BALANCE DUE 200 money . D-2701

PT 801623 1-1~ 91 MADE IN U SA DATE RECLIVED FROM Address -96 00 OLLARS \$ FOR SND4 N Dea la ACCOUNT HOW PAID When Anna BEGINNING BALANCE AMOUNT PAID CASH CHECK Zestie a Bartell BALANCE MONEY



#### **CITY OF IDAHO CITY**

#### **ORDINANCE NO. 373**

#### AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CORPORATE LIMITS OF IDAHO CITY, WHICH LANDS ARE LOCATED IN BOISE COUNTY, IDAHO, AND PROVIDING AN EFFECTIVE DATE THEREFORE

WHEREAS, the Landowners of Parcel RP06N05E266658, otherwise known as 3889 Hwy 21, Idaho City in the county of Boise consented to annexation of their real property into the city limits of the City of Idaho City; and

WHEREAS, the Planning and Zoning Commission held a public hearing on the zoning of the parcel and recommends the parcel be zoned Commercial.

WHEREAS, the City Council held a public hearing on the zoning of the parcel and adopted the recommendation of the Planning and Zoning Commission.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF IDAHO CITY, IDAHO:

SECTION 1: That the lands and territory described in the "LAND DESCRIPTION PARCEL NO. RP06N05E266658 ANNEXATION TO IDAHO CITY" attached hereto, all of which lie contiguous and adjacent to the corporate limits of Idaho City are hereby annexed to the corporate limits of Idaho City, and by such annexation of said territory and all lands included therein, are hereby annexed, and included within the territorial limits of the City of Idaho City.

SECTION 2: That the above-described real property be, and the same is hereby annexed and made a part of the City of Idaho City, Boise County, Idaho.

<u>SECTION 3</u>: That the real property annexed to Idaho City, and herein described above shall be a part of Idaho City, and its development and use governed by Idaho City.

SECTION 4: That the real property annexed to Idaho City and herein described above shall be zoned Commercial.

SECTION 5: The City Clerk of Idaho City is directed to alter all use and area maps as well at the official zoning maps, comprehensive plan and all official maps depicting the boundaries of the City of Idaho City, Idaho, in accordance with this ordinance.

SECTION 6: The City Clerk of Idaho City is hereby directed to file immediately after the passage and approval hereof a copy of this ordinance with the State Tax Commission and a copy with the County Recorder of Boise County, as provided by Section 63-215 and 50-223, Idaho Code.

SECTION 7: This Ordinance shall take effect and be in full force and effect from and after its passage, approval, and publication according to law.

PASSED BY THE COUNCIL of the City of Idaho City this 22<sup>nd</sup> day of March 2023.

APPROVED BY THE MAYOR of the City of Idaho City this 22<sup>nd</sup> day of March 2023.

ATTEST:

Kenneth Everhart, Mayor

Nancy L Ptak, City Clerk

**ORDINANCE NO. 373**
#### PARCEL B

A parcel of land lying in a portion of the SE1/4 SW1/4 of section 26, T.6N., R.5E., Boise Meridian, Boise County, Idaho, said parcel being more particularly described as follows:

Commencing at a found Drill Steel marking the S1/16 Corner of said Section 26, T.6N., R.5E., Boise Meridian, Boise County, Idaho; thence S.88°59'38"W. 300.00 feet along the north line of the said SE1/4 SW1/4 of Section 26 to a point, said point bears N.88°59'38"E. 1044.26 feet from a found Brass Cap marking the SW1/16 Corner of said Section 26; thence S.08°44'22"E. 242.45 feet to a set ½" iron pin, said pin marking the REAL POINT OF BEGINNING;

thence continuing S.08°44'22"E. 299.05 feet to a found 1/2" iron pin;

thence S.77°05'38"W. 1014.89 feet to a found %" iron pin;

thence N.13°39'22"W. 384.02 feet to a found 5/8" iron pin lying along the southerly right of way of Idaho State Highway 21 and also marking a point along a curve to the right;

thence along said southerly right of way of State Highway 21 and along said curve to the right a distance of 556.14 feet, said curve having a delta of 11°19'13", a radius of 2814.79 feet, tangents of 278.98 feet and a long chord of 555.23 feet which bears N.71°11'49"E. to a set ½" iron pin;

thence S.12°07'55"E. 240.80 feet to a set %" iron pin;

thence N.78°40'40"E. 152.09 feet to a set ½" iron pin;

thence N.07°24'15"W. 98.03 feet to a set ½" iron pin;

thence N.51°34'27"E. 44.67 feet to a set ½" iron pin;

thence N.07°48'09"W. 121.72 feet to a set ½" iron pin lying along the said southerly right of way of Idaho State Highway 21 and also marking a point along a curve to the right;

thence along said southerly right of way of Idaho State Highway 21 and along said curve to the right a distance of 32.70 feet, said curve having a delta of 00°39'59", a radius of 2814.79 feet, tangents of 16.35 feet and a long chord of 32.70 feet which bears N.81°27'14"E. to a found ½" iron pin;

thence S.08°44'22"E. 45.20 feet to a point;

thence N.89°27'21"E. 77.62 feet to a set ½" iron pin;

thence S.22°51'40"E. 47.21 feet to a set ½" iron pin;

thence N.85°40'31"E. 168.61 feet to the point of beginning, containing 8.55 acres, more or less.

SUBJECT TO AND/OR TOGETHER WITH: Any easements and/or rights of way of record or in use.





#### ORDINANCE NO. 374

AN ORDINANCE OF THE CITY OF IDAHO CITY, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A WATER REVENUE BOND, SERIES 2023, IN THE PRINCIPAL AMOUNT OF \$2,400,000, FOR THE PURPOSE OF FINANCING THE ACQUISITION OF IMPROVEMENTS TO THE DOMESTIC WATER SYSTEM OF THE CITY; DESCRIBING THE BOND; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES; PROVIDING FOR THE PAYMENT OF THE BOND; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE BOND; PROVIDING FOR THE SALE OF THE BOND TO THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Idaho City, Boise County, Idaho (the "City"), is a municipal corporation organized and operating under the laws of the State of Idaho; and

WHEREAS, the City owns, operates, and maintains a domestic water supply and distribution system; and

WHEREAS, the City is authorized by the Constitution and laws of Idaho to issue revenue bonds to finance all or part of the cost of acquisition, construction, and installation of improvements and betterments to the domestic water system of the City; and

WHEREAS, the City Council (the "Council") of the City, by adoption of Ordinance No. 331 on June 9, 2010, ordered a special bond election to be held within the City on August 3, 2010, for the submission to the qualified electors of the City the question of whether or not the City should be authorized to issue its revenue bonds in a principal amount not to exceed \$2,400,000 in order to provide funds for certain capital improvements to its domestic water system; and

WHEREAS, the requisite majority of the qualified electors of the City, at the special bond election of August 3, 2010, authorized the incurring of indebtedness and the issuance of revenue bonds in a principal amount not to exceed \$2,400,000; and

WHEREAS, the Council has determined that the public health, safety, and welfare will be furthered by the sewer improvement project described hereinafter and has further determined to issue water revenue bonds of the City, duly authorized by the electors of the City at the special bond election of August 3, 2010, subordinate to the lien of, and with the consent of the owner of, its outstanding revenue bonds;

WHEREAS, Section 50-1036, Idaho Code, authorizes the sale of revenue bonds at private sale in such manner as the Council may determine; and

WHEREAS, the State of Idaho, Department of Health and Welfare, Division of Environmental Quality (the "State"), has offered to purchase the revenue bonds of the City, and

the Council has determined to issue its water revenue obligations to the State in the form of a single, amortized subordinate lien revenue bond in an aggregate principal amount of \$2,400,000.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO CITY, IDAHO, as follows:

#### Section 1: DEFINITIONS

As used in this Ordinance, the following words shall have the following meanings:

<u>Acquisition</u> or <u>Acquire</u> includes the opening, laying out, establishment, purchase, construction, securing, installation, reconstruction, lease, gift, grant from the Federal Government, the State, any public body therein or any person or entity, the condemnation, transfer, option to purchase, other contract, or other acquirement, or any combination thereof.

Additional Bonds means any bonds issued pursuant to Section 15 of this Ordinance.

<u>Bond</u> means the "City of Idaho City Subordinate Lien Water Revenue Bond, Series 2023," herein authorized to be issued, sold, and delivered in the form of a single, fully registered, amortized revenue bond in the principal amount of \$2,400,000.

Bond Fund means the "City of Idaho City Water Revenue Bond Fund" created by Section 12 of this Ordinance.

<u>Bond Register</u> means the registration books on which are maintained the names and addresses of the owners or nominees of the owners of the Bond.

Bond Registrar means the bond registrar, transfer agent, and authenticating and paying agent appointed and designated in Section 6 of this Ordinance.

<u>Capital Improvement Fund</u> means the "City of Idaho City Water Project Capital Improvement Fund" created by Section 10 of this Ordinance.

City means the City of Idaho City, Boise County, Idaho.

<u>City Clerk</u> means the Clerk of the City, or other officer of the City who is the custodian of the seal of the City and of the records of the proceedings of the City, or his/her successor in functions, if any.

<u>Cost of Project</u> or any phrase of similar import, means all or any part designated by the Council of the costs of the Project, or interest therein, which costs, at the option of the Council, may include all or any part of the incidental costs pertaining to the Project, including, without limitation: (1) Preliminary expenses advanced by the City from funds available for the use therefor, or advanced by the Federal Government, or from any other source, with approval of the Council, or any combination thereof;

(2) The costs of making surveys, audits, preliminary plans, other plans, specifications, estimates of costs and other preliminaries;

(3) The costs of appraising, printing, estimates, advice, services of engineers, architects, financial consultants, attorneys at law, clerical help, or other agents or employees;

- (4) The costs of contingencies;
- (5) The costs of the issuance of the Bond;

(6) The costs of funding any short-term financing, bond anticipation notes, and other temporary loans pertaining to the Project and of the incidental expenses incurred in connection with such loans;

(7) The costs of any properties, rights, easements, or other interest in properties, or any licenses, privileges, agreements and franchises; and

(8) All other expenses necessary or desirable and pertaining to the Project, as estimated or otherwise ascertained by the Council.

Council means the City Council of the City.

<u>Estimated Net Revenues</u> means, for any year, the estimated Revenues of the System for such year less the estimated Operation and Maintenance Expenses for such year, based upon estimates prepared by the City Engineer or an independent engineer, or an independent certified public accountant. In computing Estimated Net Revenues, Revenues of the System may be adjusted as necessary to reflect any changed schedule of rates and charges.

Mayor means the Mayor of the City, or his/her successor in functions, if any.

<u>Net Revenues</u> means Revenue of the System after the deduction of Operation and Maintenance Expenses.

<u>Operation and Maintenance Expenses</u> or any phrase of similar import means all reasonable and necessary current expenses of the City, paid or accrued, of operating, maintaining, and repairing the System or of levying, collecting, and otherwise administering the Net Revenues for the payment of the Bond; and the term includes (except as limited by contract or otherwise limited by law) without limiting the generality of the foregoing:

(1) Engineering, auditing, reporting, legal, and other overhead expenses of the various City departments directly relating and reasonably allocable to the administration of the System;

(2) Fidelity bonds and property and liability insurance premiums pertaining to the System, or a reasonably allocable share of a premium of any blanket bond or policy pertaining thereto;

(3) Payments to pension, retirement, health, and hospitalization funds and other insurance;

(4) Any taxes, assessments, excise taxes, or other charges which may be lawfully imposed on the City, the System, revenues therefrom, or any privilege in connection with their operation;

(5) The reasonable charges of the bond registrar, fiscal or paying agent, commercial bank, trust bank, or other depository bank pertaining to the Bond issued by the City or pertaining to the Project, if any;

(6) Contractual services, professional services, salaries, other administrative expenses, and the cost of materials, supplies, repairs, and labor, pertaining to the issuance of the Bond and to the ordinary operation of the System; and

(7) All other administrative, general, and commercial expenses directly related to the System.

Ordinance means this Ordinance No. 374, adopted on April 12, 2023.

<u>Project</u> means the water system improvement project described in Section 2 of this Ordinance.

<u>Registered Owner</u> means the purchaser of the Bond and any subsequent transferee or purchaser of the Bond.

<u>Reserve Fund</u> means the "City of Idaho City Water Revenue Bond, Series 2023, Debt Service Reserve Fund" created by Section 13 of this Ordinance.

<u>Revenue Fund</u> means the "City of Idaho City Water and Sewer Revenue Fund" referred to in Section 11 of this Ordinance.

<u>Revenue of the System</u> means all revenues received by the City from its System and may include, at the discretion of the City, moneys derived from one, all, or any combination of revenue sources pertaining to the System, including, without limitation, rates, charges, rents, fees, and any other income derived from the operation or ownership of, the use of services of, or the availability of or services pertaining to, or otherwise derived in connection with, the System or all or any part of any property pertaining to the System.

System, for purposes of this Ordinance, means the domestic water supply and distribution portion of the domestic water and sanitary sewer system of the City, as the same now exists, including its assets, real and personal, tangible and intangible, and as it may later be added to, extended, and improved, and shall include buildings, structures, utilities, or other income producing water facilities from the operation of or in connection with which the revenues of the payment of the Bond to be issued hereunder will be derived, and the lands pertaining thereto.

Treasurer means the Treasurer of the City, or his/her successor in functions, if any.

<u>Water Subaccount</u> means the special account created within the Revenue Fund by Section 11 of this Ordinance.

#### Section 2: THE PROJECT

A. <u>Project Description</u>. The domestic water improvement project consists of the acquisition, construction, and installation of improvements and betterments to the domestic water portion of the City's domestic water and sanitary sewer System, consisting generally of increased water source capacity, construction of two water reservoirs for increased water storage, replacement of water pipe, and other related improvements and costs of engineering, legal fees, administrative costs, payment of the principal of and interest on bond anticipation notes or other interim financing obligations issued to pay Project costs pending the issuance of the Bond, and all other costs incidental thereto (the "Project").

B. <u>Project Changes</u>. The Council may make changes in the Project prior to or in the course of actual construction, provided such changes are found necessary and desirable by the Council and that such changes do not substantially affect or alter the plans or the cost of the Project.

C. <u>Costs</u>. \$4,200,000 of the cost and expenses of construction and installation of the Project will be paid from the issuance and sale of the Bond, hereinafter defined, authorized to be issued at a special election held within the City on August 3, 2010. Any balance will be realized from other legally available funds of the City.

#### Section 3: THE BOND

The Bond, designated "City of Idaho City Subordinate Lien Water Revenue Bond, Series 2023" (the "Bond"), in the aggregate principal amount of \$4,200,000, is hereby authorized to be issued, sold, and delivered pursuant to the Revenue Bond Act of the State of Idaho, the same being Sections 501027 through 501042, Idaho Code, and pursuant to Section 57227 and Title 57, Chapter 9, Idaho Code. The designation of the Bond is hereby authorized to be modified to accurately reflect the year it is delivered.

The Bond shall consist of a single, transferable, amortized revenue bond, substantially in the form annexed hereto as Exhibit "A," shall be issued in fully registered form, shall be dated as of the date of its delivery, and shall bear interest on the unpaid balance at the rate of zero percent (0%) per annum.

The Bond shall be payable in equal semi-annual installments of principal, with the first installment of principal being due six months from the date of delivery of the Bond, and semi-annually thereafter until maturity. The final semi-annual installment may be in such greater or lesser amount as is necessary to fully pay said Bond.

The sale of the Bond to the State of Idaho, Department of Environmental Quality (hereinafter the "Registered Owner"), is hereby authorized and approved.

#### Section 4: EXECUTION

The Bond shall be executed by the manual signature of the Mayor, countersigned by the manual signature of the Treasurer, and attested by the manual signature of the City Clerk, and the seal of the City shall be impressed thereon.

#### Section 5: PLACE AND MANNER OF PAYMENT

The principal of the Bond shall be payable in lawful money of the United States of America to the Registered Owner thereof, at the address of such Registered Owner as shown on the registration records of the City, or at such other address as shall be designated in writing to the City by the Registered Owner.

#### Section 6: BOND REGISTRAR

The Treasurer is hereby appointed as bond registrar, transfer agent and paying agent, and is herein referred to as the "Bond Registrar." The Bond Registrar shall keep, or cause to be kept, sufficient books for the registration and transfer of the Bond. The Bond Registrar is authorized, on behalf of the City, to carry out all of the Bond Registrar's powers and duties under this Ordinance.

The Bond may be transferred only upon the books for the registration and transfer of bonds (the "Bond Register"), upon the surrender thereof to the Bond Registrar, together with a form of transfer duly executed by the Registered Owner or its attorney duly authorized in writing. Upon the transfer of the Bond, there shall be issued in the name of the transferee or transferees a new fully registered bond or bonds of any authorized denomination or denominations and of the same maturity and interest rate, and of the same aggregate principal amount, as the surrendered bond. The new bond or bonds shall bear the same date as the date of the surrendered bond.

This Section is intended to provide the system of registration required by Chapter 9, Title 57, Idaho Code.

#### Section 7: PREPAYMENT; DEFEASANCE

A. The City reserves the right, at its option, to prepay, on any principal payment date, the principal amount outstanding on the Bond, in whole or in part. Partial prepayments shall be made in the amount of \$1,000 or multiples thereof. No partial prepayment shall extend or

postpone the due date of any subsequent installment. Prepayments shall be made without penalty. Notice of any intended prepayment shall be mailed by certified mail to the Registered Owner of the Bond at its address appearing on the Bond Register, at least thirty (30) days prior to the prepayment date.

B. In the event that money and/or government obligations, maturing or having guaranteed redemption prices at the option of the owner at such time or times and bearing interest to be earned thereon in such amounts as are sufficient (together with any resulting cash balances) to redeem and retire part or all of the Bond in accordance with its terms, are hereafter irrevocably set aside in a special account and pledged to effect such redemption and retirement, then no further payments need be made into the Bond Fund or Reserve Fund for the payment of the principal of and interest, if any, on the Bond so provided for, and the Bond and interest, if any, accrued thereon shall then cease to be entitled to any lien, benefit, or security of this Ordinance, except the right to receive the funds so set aside and pledged, and the Bond shall no longer be deemed to be outstanding hereunder.

#### Section 8: CHARGES

The City has established, may from time to time revise, and shall maintain and collect water rates and charges for furnishing the services of the System to its customers, which rates and charges are, and shall continue to be, uniform as to all persons or properties which are of the same class, which rates and charges shall be collected from the users thereof.

#### Section 9: PLEDGE OF REVENUES

The Net Revenues of the System are hereby pledged for the payment of the Bond and shall be used and applied in the order of priority provided in Section 11 of this Ordinance.

The City shall establish, revise, maintain, and collect charges sufficient, with other revenues received, after taking into consideration anticipated delinquencies, to provide Net Revenues equal to not less than 1.2 times the average annual debt service on the Bond and any Additional Bonds.

#### Section 10: THE CAPITAL IMPROVEMENT FUND

There is hereby created a special fund and account known as the "City of Idaho City Water Project Capital Improvement Fund" (the "Capital Improvement Fund"), into which shall be deposited all of the proceeds of the sale of the Bond, to be used and applied for the payment of a portion of the cost and expense of the construction and installation of the Project, including the payment of the principal of and interest on any outstanding bond anticipation notes or other interim financing issued for the purpose of paying any part of the Cost of Project. Any interest earnings on moneys invested from the Capital Improvement Fund shall remain in and be used for the purposes of the Capital Improvement Fund. The City's share of any liquidated damages or other moneys paid by defaulting contractors or their sureties will be deposited into said Capital Improvement Fund to assure the completion of the Project.

When the Project has been completed and all costs related thereto have been paid in full, any balance remaining in the Capital Improvement Fund shall be deposited into the Bond Fund described in Section 12 of this Ordinance.

Section 11: THE REVENUE FUND - WATER SUBACCOUNT

There has heretofore been created the "City of Idaho City Water and Sewer Revenue Fund" (the "Revenue Fund"), which shall be maintained by the Treasurer. A separate subaccount, designated the "Water Subaccount" or similar designation, is hereby created into which the Revenue of the System shall be deposited immediately upon its receipt.

A. <u>Use of Revenues</u>. The Revenue of the System shall be used for the payment of the following obligations in the following order of priority:

(1) First Charge and Lien: The costs of Operation and Maintenance Expenses of the System.

(2) Second Charge and Lien: Payment of the principal of the Bond and the principal of and interest on any Additional Bonds, or other obligations of the City which are payable from Net Revenues, by payment into the Bond Fund as provided in Section 12 of this Ordinance.

(3) Third Charge and Lien: To maintain the Reserve Fund referred to Section 13 of this Ordinance; and

(4) To administer surplus funds.

B. <u>Interest Earnings</u>. Interest earnings on deposits in the Water Subaccount shall remain in and be used for the purposes of the Water Subaccount.

C. <u>Surplus Funds</u>. Funds remaining in the Water Subaccount after having been applied to designated funds for the purposes provided in this section shall constitute surplus funds and may be used for the purposes set forth in Section 14 of this Ordinance.

Section 12: THE BOND FUND

There is hereby created the "City of Idaho City Water Revenue Bond Fund" (the "Bond Fund"), which shall be maintained by the Treasurer and into which shall be deposited, from the Net Revenues of the System the following amounts:

A. Each annual installment of principal on the Bond shall be payable into the Bond Fund from the Water Subaccount not less than ten (10) days prior to each payment date, and paid from the Bond Fund to the Registered Owner on or before each payment date. In the event that the single Bond is converted into fully registered serial bonds, as provided in Section 3 of this Ordinance, then there shall be deposited into the Bond Fund from the Revenue Fund on or before

the 10th day prior to any principal payment date the amount of interest or principal then falling due on the Bond. The moneys herein allocated shall be used solely to pay currently maturing installments of principal on the Bond or any serial bonds to which the Bond may be converted.

B. If the City for any reason shall fail to make such deposit, then an amount equal to the deficiency shall be deposited into the Bond Fund from the Reserve Fund, described hereinafter.

#### Section 13: DEBT SERVICE RESERVE FUND

A. <u>Deposits</u>. There is hereby created a special fund designated the "City of Idaho City Water Revenue Bond, Series 2023, Debt Service Reserve Fund" (the "Reserve Fund"), or similar designation, which shall be maintained by the Treasurer so long as the Bond remains outstanding. In addition to the amounts required for the Bond Fund, there shall be deposited into the Reserve Fund, within one year from the date of issuance of the Bond, from Net Revenues, an amount equal to one-tenth (1/10) of \$80,000, and a like sum shall be deposited therein from Net Revenues on each anniversary date of the Bond thereafter, until there has been accumulated in the Reserve Fund an amount equal to \$80,000. The sum so accumulated shall be maintained as a debt service reserve fund for the Bond, or any serial bonds to which the Bond may be converted, until the Bond or serial bonds have been paid in full.

B. <u>Deficiencies or Withdrawals</u>. Whenever any moneys are withdrawn from the Reserve Fund to make required payments on the Bond, or if a deficiency exists therein, the amount so withdrawn or the amount of such deficiency shall be restored by monthly deposits from Net Revenues until there has been restored therein the gross amount provided heretofore in subdivision A of this Section.

C. <u>Refunding</u>. In the event refunding bonds are ever issued, the amount set aside into the Reserve Fund to secure the payment of the Bond may be used to retire bonds or may be held in the Reserve Fund to secure payment of the refunding bonds issued, to refund the outstanding refunding bonds, or may be held in the Reserve Fund to secure the payment of any other issue or series of bonds payable out of the Bond Fund and issued on a parity with the Bond.

D. <u>Investments</u>. All moneys in the Reserve Fund may be kept in cash or deposited in institutions permitted by law in an amount in each institution not greater than the amount insured by any department or agency of the United States Government or may be invested and reinvested in any legal investment permitted for City moneys maturing not later than the last maturity date of any outstanding bonds. Interest earned on any such investment shall be deposited, directly as earned, into the Bond Fund.

#### Section 14: SURPLUS FUNDS

Funds remaining in the Revenue Fund after having been applied to or designated funds for the purposes provided in Section 11A of this Ordinance shall constitute surplus funds and may be used for any of the following purposes: A. To pay the costs of unusual or extraordinary maintenance of or repair to the System;

B. To pay the principal of and interest, if any, on any subordinate lien obligations which may have been issued to provide water facilities in or for the City;

C. To improve, extend, enlarge, or replace any water facilities;

D. To acquire or construct additional water facilities in or for the City;

E. To call or redeem prior to their fixed dates of maturity any bond, parity bonds, or subordinate lien obligations issued to provide water facilities for the City; and

F. For any other lawful purpose directly related to the System.

#### Section 15: ADDITIONAL BONDS OR OTHER OBLIGATIONS

A. <u>Limitation Upon Issuance of Parity Obligations</u>. Nothing contained in this Ordinance shall be construed in such a manner as to prevent the issuance by the City of Additional Bonds or other additional obligations payable from the Net Revenues on a parity with, but neither prior nor superior to, the lien of the Bond herein authorized; provided, however, that before any such Additional Bonds or other additional parity obligations are authorized or actually issued:

(1) The City is not, and has not been, in default as to any payments required by the provisions of this Ordinance for a period of not less than twelve (12) months immediately preceding the issuance of such Additional Bonds or other additional parity obligations.

(2) The Net Revenues of the System for the past twelve (12) consecutive months immediately preceding the year of the issuance of such Additional Bonds shall have been sufficient to pay the Operation and Maintenance Expenses of the System for said past twelve (12) months, and, in addition, sufficient so that the Net Revenues for such preceding year equal an amount representing at least 120% of the annual principal and interest requirements of the outstanding Bond and any Additional Bonds.

(3) The Estimated Net Revenues of the System for the twelve-month period immediately succeeding the issuance of the bonds or other obligations proposed to be issued will be not less than 120% of the annual payment requirements of the Bond, plus the average annual principal and interest requirements of the Additional Bonds or other obligations proposed to be issued.

(4) A written certification by the City engineer or an independent engineer, or independent certified public accountant, if requested, that the 120% Net Revenue requirement of subsection (3) above, and the 120% Estimated Net Revenues requirement of subsection (4) above, have been satisfied, shall be obtained and filed with the City,

which certification shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell, and deliver said Additional Bonds or other additional obligations on a parity with the Bond authorized herein.

(5) The foregoing limitations, or any of them, may be waived or modified by the written consent of the Registered Owner of not less than 75% of the principal amount of the Bond then outstanding.

B. <u>Parity Bonds to Complete Project</u>. In the event grant funds, plus the proceeds of the Bond provided for in this Ordinance, are insufficient to complete the Project, then parity bonds or other obligations may be issued to complete the Project, and the restrictions set forth in this Section pertaining to the issuance of bonds on parity of lien with the Bond shall not apply.

C. <u>Subordinate Lien Bonds</u>. No provision of this Ordinance shall be deemed to limit or restrict the power of the City to issue bonds, notes or warrants, or to make pledges of the revenues which shall be subordinate as to the lien of the Bond and which shall provide for compliance with the current provisions hereof prior to the application of any funds to said subordinate purpose.

D. <u>Refunding</u>. The restrictions with respect to the issuance of parity obligations with respect to the Bond shall not apply if such additional parity bonds proposed to be issued are for the sole purpose of refunding outstanding water or water and sewer revenue bonds.

Section 16: INVESTMENTS

Surplus funds in any of the funds set forth in this Ordinance may be invested in securities as permitted by law.

#### Section 17: GENERAL COVENANTS

For the protection and security of the Bond, it is covenanted and agreed to and with the Registered Owner of the Bond from time to time, that the City will perform the following covenants:

A. <u>Complete Project</u>. It will complete the construction of the Project with all practical dispatch and in a sound and economical manner.

B. <u>Operate System</u>. It will operate the System in an efficient and economical manner and prescribe, revise, and collect such charges in connection therewith so that the services, facilities, and properties of the System may be furnished at the lowest possible cost consistent with sound economy and prudent management.

C. <u>Good Repair</u>. It will operate, maintain, preserve, and keep the System and every part hereof in good repair, working order, and condition.

D. <u>Preserve Security</u>. It will preserve and protect the security of the Bond and the rights of the Registered Owner thereof.

E. <u>Collect Revenues</u>. It will collect and hold in trust the revenues and other funds pledged to the payment of the Bond and apply such revenue or other funds only as provided in this Ordinance.

F. <u>Service Bond</u>. It will pay and cause to be paid punctually the principal of the Bond and the interest, if any, thereon on the date or dates and at the place or places and in the manner mentioned in the Bond, and in accordance with this Ordinance.

G. <u>Pay Claims</u>. It will pay and discharge any and all lawful claims for labor, materials, and supplies which, if unpaid, might by law become a lien or charge upon the Revenue of the System, or any part of said Revenue of the System, or any funds in the hands of the Treasurer, prior or superior to the lien of the Bond or which might impair the security of the Bond, to the end that the priority and security of the Bond shall be fully preserved and protected.

H. <u>Encumbrances</u>. It will not mortgage or otherwise encumber, sell, lease, or dispose of the System or any part thereof, nor enter into any lease or agreement which would impair or impede the operation of the System or any part thereof necessary to secure adequate revenues for the payment of the principal of and interest on the Bond, nor which would otherwise impair or impede the rights of the Registered Owner of the Bond with respect to such revenues of the operation of the System without provisions for the retirement of the Bond then outstanding from the proceeds thereof.

I. <u>Insurance</u>. It will procure and keep in force insurance upon all buildings and structures of the System and the machinery and equipment therein, which are usually insured by entities operating like property, in good and responsible insurance companies. The amount of the insurance shall be such as may be required to adequately protect it and the Registered Owner of the Bond from loss due to any casualty, and in the event of any such loss, the proceeds shall be used to repair or restore the System or for the payment of the Bond issued under this Ordinance.

J. <u>Fidelity Bonds</u>. It will procure suitable fidelity bonds covering all of its officers and other employees charged with the operation of the System and the collection and disbursement of revenues therefrom.

K. <u>Engineers</u>. It will employ consulting engineers of acknowledged reputation, skill, and experience in the improvement and operation of the System for any unusual or extraordinary items of maintenance, repair, or betterments as shall be required from time to time, all reports, estimates, and recommendations of such consulting engineers to be filed with the Clerk and furnished to the Registered Owner of the Bond issued hereunder, upon request.

L. <u>Accounts</u>. It will keep proper and separate accounts and records in which complete and separate entries shall be made of all transactions relating to the System, and it will furnish complete operating and income statements upon request.

M. <u>Delinquencies</u>. It will not furnish water service to any customer whatsoever free of charge, and it shall not later than sixty (60) days after an account becomes delinquent, take such legal action as may be reasonable to enforce collection of any collectible delinquent account.

#### Section 18: SPECIAL COVENANTS

The City further covenants and agrees:

A. In accordance with Section 149(a) of the Internal Revenue Code of 1986, as amended (the "Code"), the Bond, and any serial bonds to which it may be converted, shall be issued and remain in fully registered form in order that interest thereon be excluded from gross income of the owner or owners for federal income tax purposes. The City covenants and agrees that it will take no action to permit the Bond, or any serial bonds to which it may be converted, to be issued in or converted to bearer or coupon form.

B. None of the proceeds of the Bond will be used, directly or indirectly, (i) to make or finance loans to persons or (ii) in any trade or business carried on by any person (other than as a member of the general public). For purposes of the preceding sentence, the term "person" does not include a government unit other than the United States or any agency or instrumentality thereof, and the term "trade or business" means any activity carried on by a person other than a natural person. The City further covenants and agrees to take no action which would cause the Bond to be a "private activity bond," nor will it omit to take any action necessary to prevent the Bond from becoming a "private activity bond," within the meaning of Section 141 of the Code.

C. The Mayor, Clerk, and Treasurer, and other appropriate officials of the City, or any one or more of such officials, as may be appropriate, are each hereby authorized and directed to execute, on behalf of the City, such certificate or certificates as shall be necessary to establish that the Bond is not an "arbitrage bond" within the meaning of Section 148 of the Code and the Treasury Regulations promulgated thereunder, and to establish that interest on the Bond, if any, is not and will not become includable in the gross income of the owner(s) of the Bond under the Code and applicable regulations. The City covenants and agrees that no use will be made of the proceeds of the Bond, or any funds of the City which may, pursuant to Section 148 of the Code and applicable regulations, be deemed to be proceeds of the Bond, which would cause the Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code. The City further covenants to comply throughout the term of the Bond with the requirements of Section 148 of the Code and the regulations promulgated thereunder in order to prevent the Bond from becoming an "arbitrage bond."

D. None of the proceeds of the Bond will be used to reimburse the City for capital expenditures made prior to the date of delivery of the Bond unless the City, not later than 60 days after the payment of such expenditure, shall have adopted an official intent resolution as provided by Section 1.1502 of the Treasury Regulations.

#### Section 19: SALE OF BOND

The sale of the Bond to the State of Idaho, Department of Environmental Quality, is hereby authorized and approved.

#### Section 20: AMENDMENTS

A. The City from time to time and at any time may adopt an ordinance or ordinances supplemental hereto, which ordinance or ordinances thereafter shall become a part of this Ordinance, for any one or more of all of the following purposes:

(1) To add to the covenants and agreements of the City in this Ordinance, other covenants and agreements thereafter to be observed, which shall not adversely affect the interest of the Registered Owner of the Bond, or to surrender any right or power herein reserved.

(2) To make such provisions for the purpose of curing any ambiguities or of curing, correcting, or supplementing any defective provisions contained in this Ordinance, or any ordinance authorizing future bonds in regard to matters or questions arising under such ordinances as the Council may deem necessary or desirable and not inconsistent with such ordinances and which shall not adversely affect, in any material respect, the interest of the Registered Owner of the Bond.

Any such supplemental ordinance may be adopted without the consent of the Registered Owner of the Bond at any time outstanding, notwithstanding any of the provisions of subsection B of this Section.

B. With the consent of the Registered Owner of not less than 75% in aggregate principal amount of the Bond at the time outstanding, the Council may adopt an ordinance or ordinances supplemental hereto for the purpose of adding any provisions to or changing in any manner or eliminating any of the provisions of this Ordinance or of any supplemental ordinance; provided, however, that no such supplemental ordinance shall:

(1) Extend the fixed maturities of the Bond, or reduce the rate of interest thereon, or extend the time of payments of interest from their due date, or reduce the amount of the principal thereof, or reduce any premium payable on the redemption thereof, if applicable, without the consent of the Registered Owner of the Bond so affected; or

(2) Reduce the aforesaid percentage of the Registered Owner required to approve any such supplemental ordinance.

It shall not be necessary for the consent of the Registered Owner under this subsection B to approve the particular form of any proposed supplemental ordinance, but it shall be sufficient if such consent shall approve the substance thereof.

C. Upon the adoption of any supplemental ordinance pursuant to the provisions of this Section, this Ordinance shall be deemed to be modified and amended in accordance therewith, and the respective rights, duties, and obligations of the City under this Ordinance and the Registered Owner of the Bond outstanding hereunder shall thereafter be determined, exercised, and enforced thereunder, subject in all respects to such modification and amendments, and all terms and conditions of any such supplemental ordinance shall be deemed to be part of the terms and conditions of this Ordinance for any and all purposes.

D. Any Bond executed and delivered after the execution of any supplemental ordinance adopted pursuant to the provisions of this Section may have a notation as to any matter provided for in such supplemental ordinance, and if such supplemental ordinance shall so provide, new bonds so modified as to conform, in the opinion of the Council, to any modification of this Ordinance contained in any such supplemental ordinance, may be prepared and delivered without cost to the Registered Owner of the Bond then outstanding, upon surrender for cancellation of the Bond.

#### Section 21: VALIDITY OF ISSUANCE

The Bond is issued pursuant to the Idaho Revenue Bond Act, being Idaho Code Sections 501027 through 501042. This recital is conclusive evidence of the validity of the Bond and the regularity of its issuance.

#### Section 22: REGISTERED OWNER'S REMEDIES RECEIVER

By action or suit in equity, the Registered Owner or subsequent owners of the Bond may, in the event of a material violation of any of the foregoing covenants, cause the appointment of a receiver, which receiver may enter and take possession of the System and any Net Revenues for the payment of the Bond, prescribe fees to be derived from the System, and collect, receive, and apply all Net Revenues of other moneys pledged for the payment of the Bond in the same manner as the City might do in accordance with the obligations of the City.

#### Section 23: ORDINANCE A CONTRACT

The provisions of this Ordinance shall constitute a contract between the City and the Registered Owner so long as the Bond hereby authorized remains unpaid.

Section 24: SEVERABILITY

If any one or more of the covenants or agreements provided in this Ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this Ordinance and shall in no way affect the validity of the other provisions of this Ordinance or of the Bond.

#### Section 25: REPEALER

All prior ordinances or parts thereof, to the extent inconsistent herewith, are hereby repealed and shall, to the extent of such inconsistency, have no further force or effect.

#### Section 26: AUTHORIZATION

The Mayor, City Clerk, and City Treasurer, or any one of such officers, as may be appropriate to the circumstances, are hereby authorized to execute, on behalf of the City, all such additional documents as may be necessary to effect the sale and delivery of the Bond.

Section 27: PUBLICATION

This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon passage, approval, and publication.

DATED this 12th day of April, 2023.

CITY OF IDAHO CITY Boise County, Idaho

By

Mayor

ATTEST:

City Clerk

(SEAL)

[Form of Bond]

#### UNITED STATES OF AMERICA

Registered No. One Registered \$2,400,000

#### STATE OF IDAHO

#### COUNTY OF BOISE

#### CITY OF IDAHO CITY WATER REVENUE BOND, SERIES 2023

THE CITY OF IDAHO CITY, Boise County, Idaho (the "City"), for value received, promises to pay from the special fund hereinafter described and in the manner hereinafter set forth, and not otherwise, to the STATE OF IDAHO, as the registered owner hereof, the principal sum of

#### TWO MILLION FOUR HUNDRED THOUSAND DOLLARS

(\$2,400,000.00). This Bond shall not bear interest on the unpaid balance. Said principal shall be paid in equal semi-annual installments, with the first installment of principal being due on October 15, 2023, and semi-annually on each April 15 and October 15 thereafter until maturity, with all principal of the Bond being fully paid within thirty (30) years from its date. The final semi-annual installment may be in such greater or lesser amount as is necessary fully to pay the Bond.

This Bond shall be registered in the name of the original owner and any subsequent owners in a registration book in the office of the City Treasurer, who shall be the Bond Registrar. This Bond is transferable only upon said book, by notation thereon, by the registered owner hereof in person or by its attorney duly authorized in writing.

The principal of this Bond shall be payable in lawful money of the United States of America, to the registered owner. Any owner of this Bond subsequent to its original owner is

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hereby placed on notice of all payment of both principal of this Bond prior to its transfer to him and all subsequent owners hereof hereby acknowledge that they have ascertained the actual unpaid principal amount of this Bond as of the date of transfer to them and hereby release the City from all obligations as to all principal paid by the City prior to such date.

The City has reserved the right, at its option, to prepay the principal amount outstanding, in whole or, in the manner hereinafter provided, in part, on any regularly-scheduled semi-annual payment date.

Prepayments shall be made on the date, at the place, and in the manner provided herein for making regularly scheduled installments, and partial prepayments shall be in the amount of \$1,000.00 or multiples thereof. Any such prepayment shall be made without penalty, additional interest, or charges.

Notice of any such intended prepayment shall be mailed by registered mail to the registered owner of the Bond at the address appearing on the registration records of the City, or at such other address as designated in writing to the City by the registered owner, at least thirty (30) days prior to the prepayment date.

This Bond, upon the surrender hereof at the office of the City Treasurer may, at the option of the registered owner and at its expense, be exchanged for serial bonds, without coupons, in registered form, in the aggregate principal amount then remaining unpaid, maturing annually in each of the remaining years of the original term of this Bond, and dated as of the year during which the surrender and exchange is effected. Serial bonds so issued shall be redeemable according to the provisions of Ordinance No. 374 of the City, adopted on April 12, 2023 (the "Bond Ordinance"), pursuant to which this Bond was issued.

This Bond is issued for the purpose of paying a portion of the cost of the construction and installation of improvements and betterments to the City's domestic water system (the "Project"), pursuant to the Idaho Revenue Bond Act (being Idaho Code Sections 50-1027 through 50-1042), and pursuant to Idaho Code, Title 57, Chapters 2 and 9, and also pursuant to the Bond Ordinance and a special election held within the City on August 3, 2010.

This Bond creates a lien and charge upon the Net Revenues of the City's domestic water System (as said capitalized terms are defined in the Bond Ordinance) subordinate to the lien and charge of the Prior Obligations (as defined in the Bond Ordinance) and superior to all other charges of any kind and nature, except the charges necessary to pay the principal of and interest on any future parity bonds. This Bond is a limited obligation of the City and is payable solely from a special fund, designated the City of Idaho City Water Revenue Bond Fund (the "Bond Fund") referred to in the Bond Ordinance. For a more particular description of said Bond Fund, the revenues to be deposited therein, and the nature and extent of the security afforded thereby,

Page 2 - EXHIBIT "A"

reference is made to the provisions of the Bond Ordinance pursuant to which this Bond is issued, and such Bond Fund will be maintained.

This Bond does not now and shall never constitute an indebtedness of the City within the meaning of any State Constitutional provision or statutory limitation, nor a charge against the general credit or taxing powers of the City.

The City has covenanted with the registered owner of this Bond to keep and perform all covenants and agreements contained in the Bond Ordinance, and the City will establish, maintain, collect, and account for rates and charges for service furnished by or through the System, including all extensions and improvements thereto hereafter constructed or acquired by the City, sufficient to pay the principal of the Bond as the same falls due, provided such rates must be reasonable rates for the type, kind, and character of the services rendered.

IT IS HEREBY CERTIFIED, RECITED, and DECLARED that all conditions, acts, and things essential to the validity of this Bond do exist, have happened, and have been done, and that every requirement of law affecting the issue hereof has been duly complied with; that the Net Revenues to be derived from the operation of the System, including any future improvements, additions, or extensions thereto, have been and are hereby pledged and will be set aside into the Bond Fund in amounts sufficient for the payment of principal of this Bond.

IN WITNESS WHEREOF, the City of Idaho City, Boise County, Idaho, under its corporate seal, has caused this Bond to be signed in its corporate name by its Mayor, countersigned by the Treasurer thereof, and attested by the City Clerk, this 15<sup>th</sup> day of April, 2023.

CITY OF IDAHO CITY Boise County, Idaho

Mayor

City Treasurer

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ATTEST:

City Clerk (SEAL)

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#### \* \* \* \* \* \* \* \* \*

#### **REGISTRATION CERTIFICATE**

#### (No writing to be placed herein except by the Bond Registrar)

This Bond shall be payable only to the order of the registered owner or its legal representative.

Date of Registration

Name and Address of Registered Owner Signature of Bond Registrar

State of Idaho Department of Health and Welfare Division of Environmental Quality 1410 North Hilton Boise, Idaho 83705-1255

April 15, 2023

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#### SUMMARY OF ORDINANCE NO. 374

AN ORDINANCE OF THE CITY OF IDAHO CITY, IDAHO, AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A WATER REVENUE BOND, SERIES 2023, IN THE PRINCIPAL AMOUNT OF \$2,400,000, FOR THE PURPOSE OF FINANCING THE ACQUISITION OF IMPROVEMENTS TO THE DOMESTIC WATER SYSTEM OF THE CITY; DESCRIBING THE BOND; PROVIDING FOR THE COLLECTION AND DISPOSITION OF REVENUES; PROVIDING FOR THE PAYMENT OF THE BOND; ESTABLISHING FUNDS AND ACCOUNTS; PROVIDING COVENANTS RELATING TO THE BOND; PROVIDING FOR THE SALE OF THE BOND TO THE STATE OF IDAHO, DEPARTMENT OF ENVIRONMENTAL QUALITY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

A summary of the principal provisions of Ordinance No. 374 of the City of Idaho City, Boise County, Idaho, adopted on April 12, 2023, is as follows:

<u>Section 1</u>: Defines the terms and phrases used in the Ordinance.

<u>Section 2</u>: Describes the water improvement project to be constructed with the proceeds of the Bond authorized by the Ordinance, and states that \$2,400,000 of the cost thereof is to be paid from the sale of the Bond of the City described in Section 3 and authorized at a special election held on August 3, 2010, and the balance of which is to be paid from other lawfully available funds of the City.

<u>Section 3</u>: Describes the City of Idaho City Subordinate Lien Water Revenue Bond, Series 2023 (the "Bond"), and provides for the terms of payment and the maturity of the Bond.

- Section 4: Provides for the manner and method of execution of the Bond.
- Section 5: Provides for the place and manner of payment of the Bond.
- Section 6: Appoints the City Treasurer as Bond Registrar.
- <u>Section 7</u>: Provides for the prepayment of the Bond.
- Section 8: Provides for water rates and charges.

<u>Section 9</u>: Pledges the Net Revenues of the domestic water System for the payment of the Bond, subordinate to the City's Prior Obligations.

Section 10: Establishes the "City of Idaho City Water Project Capital Improvement Fund."

Section 11: Establishes the Water Subaccount within the Water and Sewer Revenue Fund.

Section 12: Establishes the City of Idaho City Water Revenue Bond Fund.

Section 13: Provides for a Debt Service Reserve Fund.

Section 14: Provides for the disposition of surplus funds.

Section 15: Establishes the conditions of and limitations on the issuance of additional bonds or other obligations.

Section 16: Provides for the investment of surplus funds.

Section 17: Provides certain general covenants of the City with the Registered Owner of the Bond.

Section 18: Provides certain special covenants of the City with respect to the exclusion of interest, if any, on the Bond from income taxation.

Section 19: Provides for the sale of the Bond to the State of Idaho, Department of Environmental Quality.

Section 20: Provides for method of amending the Ordinance and adopting supplemental ordinances.

Section 21: Recites that the Bond is issued pursuant to the Idaho Revenue Bond Act.

Section 22: Provides for remedies of the Registered Owner of the Bond.

Section 23: States that the Ordinance constitutes a contract with the Registered Owner of the Bond.

Section 24: Provides for severability.

Section 25: Repeals prior inconsistent ordinances, to the extent of any inconsistency.

<u>Section 26</u>: Authorizes the Mayor, City Clerk, and City Treasurer to execute any additional documents necessary to sell and deliver the Bond.

Section 27: Provides for the publication of the Ordinance or a summary thereof and the effective date of the Ordinance.

The full text of Ordinance No. 374 is available at City Hall and will be provided to any

citizen upon personal request during normal office hours.

DATED this 12<sup>th</sup> day of April, 2023.

CITY OF IDAHO CITY Boise County, Idaho

Mayor

ATTEST:

City Clerk

#### CERTIFICATION OF ATTORNEY

I, the undersigned, an attorney at law duly licensed and practicing in the State of Idaho and serving as special counsel to the City of Idaho City, Boise County, Idaho, hereby certify that I have read the attached summary of Ordinance No. 374 of the City of Idaho City and that the same is true and complete and provides adequate notice to the public of the contents of said Ordinance.

Dated as of the 12<sup>th</sup> day of April, 2023.

Attorney at Law



#### **ORDINANCE NO. 375**

AN ORDINANCE ESTABLISHING GENERAL FUND ADMINISTRATION AND LAW ENFORCEMENT FEES, AND ESTABLISHING THE PURPOSES FOR WHICH SAID FEES MAY BE USED.

BE IT ORDAINED by the Mayor and Council of the City of Idaho City, Boise County, Idaho:

**SECTION 1.** <u>RESOLUTION OF FEES</u>. The General Administration and Law Enforcement fees imposed and collected shall be established by resolution adopted by the Council of the City of Idaho City.

**SECTION 2.** <u>USE OF FUNDS</u>. All fees collected for General Administration and Law Enforcement shall be set aside in the General Fund to be used for maintenance, upkeep, and for any other expenses that shall be incurred by the City in its operation.

**SECTION 3.** <u>SAVINGS CLAUSE</u>. If any section, paragraph, sentence or pro-circumstance shall ever be held invalid or unenforceable, such holding shall not affect the remainder hereof, which shall continue in full enforce and effect and applicable to all circumstances to which it may validly apply.

**SECTION 4.** <u>EFFECTIVE DATE</u>. This Ordinance shall take effect and be in full force upon its passage, approval and publication in one (1) issue of the Idaho World, a newspaper of general circulation and the official newspaper thereof.

SECTION 5. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 6.** This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of The Idaho World, a newspaper of general circulation in the City of Idaho City, and the official newspaper of said City.

PASSED BY THE COUNCIL of the City of Idaho City this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED BY THE MAYOR OF the City of Idaho City this \_\_\_\_\_ day of \_\_\_\_\_\_, 2023.

Publish in The Idaho World \_\_\_\_\_\_

ATTEST:

Kenneth Everhart, Mayor

Nancy L. Ptak, City Clerk-Treasurer



City of Idaho City								
2nd Quarterly Financial Report								
Fiscal Year-to-Date as								
	Ma	arch 31, 2023						
	OPERATING		AMOUNT	PERCENTAGE OF				
GENERAL GOVERNMENT	EXPENSES	REVENUE	BUGETED	APPROPRIATIONS				
Administative	\$ 49,421.03	\$ 60,769.00	\$ 164,773.00	29.99%				
Law Enforcement	\$ 122,096.83	\$ 84,800.00	\$ 273,304.00	44.67%				
Total Government	<b>\$ 171,517.86</b>	\$ 145,569.00	\$ 438,077.00	39.15%				
Street Fund	\$ 29,843.64	\$ 43,086.12	\$ 72,177.00	41.35%				
Water Fund	\$ 256,006.64	\$ 137,611.67	\$ 367,660.00	69.63%				
Water Bond	\$ -	\$ -	\$-					
Sewer Fund	\$ 81,497.77	\$ 87,660.92	\$ 193,229.00	42.18%				
BUDGET TOTAL	\$ 538,865.91	\$ 413,927.71	\$1,071,143.00	50.31%				
Citizens are invited to inspec	t the detailed su	pporting records	S					
of the above financial statem	ent.							
Nancy L Ptak				511 Main Street				
City Clerk-Treasurer				Idaho City, ID 83631				
April 11, 2023				208-392-4584				



## City Budget Calendar for FY 2024

<u>PLEASE NOTE</u>: The dates shown are state law deadlines for budgeting actions. City officials are strongly encouraged to complete each step in the budgeting process as early as possible.

<u>Date</u> Friday, April 28, 2023	<u>Action / Event</u> Last day for the city to notify the county clerk of the date, time and location of the city budget hearing for the upcoming fiscal year. ("Not later than April 30 of each year")	ID Code or Rule Idaho Code 63-802A
Monday, July 24, 2023	County auditor shall report to each taxing district the value of new construction and annexation. ("On or before the fourth Monday in July")	Tax Commission Rule 802.08
Monday, August 7, 2023	County auditor shall notify the State Tax Commission and cities of the taxable valuation of all taxable property within that city from the current year's property roll, previous year operating property roll, and the prior year's actual or current year's estimated subsequent and missed property rolls. The county auditor will furnish the value from the current operating property roll upon receipt from the State Tax Commission. ("Prior to the first Monday in August")	Idaho Code 63-1312(2)
Monday, August 7, 2023	County auditor shall notify each city of the total of property tax replacement monies and identify the type of replacement money.	Tax Commission Rule 803.06.b
Choose date that will meet publication and hearing requirements	The City Council must adopt a tentative budget prior to the public hearing on the budget. Legal notice of the proposed budget and budget hearing must be published twice, at least 7 days apart, in the official newspaper. <b>Please Note:</b> Cities advertising in weekly newspapers should be aware of publication dates and adjust deadlines accordingly.	Idaho Code 50-1002
Wednesday, Sept. 6, 2023	Last day for budget hearing ("Prior to certifying to the county commissioners")	Idaho Code 50-1002
Thursday, September 7, 2023	Last day to certify property tax levy to county commissioners. ("not later than the Thursday prior to the second Monday in September")	Idaho Code 63-803(3)
Friday, September 29, 2023	Appropriations ordinance must be passed by the council and published once in the official newspaper by this date. ("The city council of each city shall, prior to the commencement of each fiscal year, pass an ordinance to be termed the annual appropriation ordinance")	Idaho Code 50-1003
Sunday, Oct. 1, 2023	Beginning of 2024 Fiscal Year.	Idaho Code 50-1001



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#### CITY OF IDAHO CITY 08:55:31 - 04/05/2023

Account	Route - Meter	Customer Name	Service Address	Balance	User Type	Past Due
	Fund - Service			Delatioc		T dat Duc
001-00	03-10		302 ELK CREEK ROAD		COMMERCIAL	
	51 - WATER BASE		SILDA, DALL			
	52 - SEWER		400 Just THO	15242.84		14412
	51 - WATER LATE FEE		11/10/10 HAREE	TIENT		
	52 - SEWER LATE FEE		4/10/00 4001000	10791.95		9892
	51 - OVERPAYMENT					
002-00	02-02		Suthotal for Account 20001-00 : 305 ELK CREEK ROAD	26034.79	RESIDENTIAL	24304
	51 - WATER BASE			214.03		89
	51 - WATER USAGE		DACT DI	296		1
			PAST DI	138.44		69
	52 - SEWER 51 - WATER LATE FEE		INJID	24.48		12
			DA \$200	34.88		19
	52 - SEWER LATE FEE			04.00		13
	51 - ON/OFF FEE 51 - OVERPAYMENT		2/23/23			
			Sublotal for Account 20002-00 :	414.77		192
004-00	03-11		300 ELK CREEK ROAD		RESIDENTIAL	
	51 - WATER BASE		5/51 DALL			
	52 - SEWER		11/0/20 50000	24 4 447.84		378.
	51 - WATER LATE FEE		4111 41-1411	(EN)		
	52 - SEWER LATE FEE		Filmer	966.64		904
	51 - OVERPAYMENT			17. W. W.		10000
			Subtotal for Account 20004-00 :	1434.48		1283
013-00	02-13		108 ELK CREEK ROAD		RESIDENTIAL	
	51 - WATER BASE		DA \$750	214.99		90
	51 - WATER USAGE		TA. LOD			022
	52 - SEWER		3/21/23	138.44		69
	51 - WATER LATE FEE		1-11-	18.72		
	52 - SEWER LATE FEE			18.72		
	51 - OVERPAYMENT		Sublicial for Account 20013-00 :	390.67		159
019-00	02-19		607 MAIN STREET	000.07	RESIDENTIAL	100
410-00			+ 1 d	404 MD		
	SI - WATER BASE		DN \$100	124.80		
	51 - WATER USAGE		14.			
	52 - SEWER		248123	75.25		6
	51 - WATER LATE FEE		duit	20.22		13
	52 - SEWER LATE FEE 51 - OVERPAYMENT			20.22		13
	JI-UKEN-AIMENI		Subtotal for Account 200 19-00 :	250.49		32
038-00	02-38		204 MAIN STREET		RESIDENTIAL	
	51 - WATER BASE			124.80		
	51 - WATER USAGE			15.52		
	52 - SEWER			83.53		14
	51 - WATER LATE FEE			14.03		14
	52 - SEWER LATE FEE			14.03		14
	51 - MISC					
	51 - OVERPAYMENT					
	<u>p</u> 8		Sublotal for Account 20038-00 :	251.91		42
049-00	02-49		304 MONTGOMERY STREET		RESIDENTIAL	
	51 - WATER BASE	200 C 10		124.80		
	51 - WATER USAGE			2.84		
	52 - SEWER			69.22		
	51 - WATER LATE FEE			1.52		1
	52 - SEWER LATE FEE			6.23		6
	51 - OVERPAYMENT					
			Subtotal for Account 20049-00 :	204.61		7

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Page 2

## CITY OF IDAHO CITY

08:55:31 - 04/05/2023

Account	Route - Meter Fund - Service	Customer Name	Service Address	Balance	User Type	Past Due
				Delance	BEODORN	1 031000
054-00	02-54		402 MONTGONERY STREET	(2)(2)2	RESIDENTIAL	0.000
	51 - WATER BASE		121	187.20		62.4
	51 - WATER USAGE		1- Way			
	52 - SEWER		112	114.33		45.1
	51 - WATER LATE FEE		4/10/20	6.24		
	52 - SEWER LATE FEE		7/10/	6.24		
	51 - OVERPAYMENT		Sublotal for Account 20054-00 :	314.01		107.5
063-00	02-63		601 MONTGOMERY STREET		RESIDENTIAL	
			\$180 and	187.20		62.4
	51 - WATER BASE 51 - WATER USAGE		4100, 1-Day	15.99		5.3
	52 - SEWER		11/12/22 11/22	103.83		34.6
	51 - WATER LATE FEE		4/12/20 11/16/20	6.77		
	52 - SEWER LATE FEE		7/10/	6.77		
	51 - OVERPAYMENT					
			Sublatel for Account 20063-00 :	320.56		102.3
066-00	02-66		608 MONTGOWERY STREET		RESIDENTIAL	
	51 - WATER BASE		KIDO ALAN-	178.75		53.9
	51 - WATER USAGE		to a four	10.32		3.4
	52 - SEWER		which Filling	103.83		34.6
	51 - WATER LATE FEE		14112 11.775	5.74		51.0
	52 - SEWER LATE FEE		4111 41010	5.74		
	51 - OVERPAYMENT		- / / /	2.14		
			Sublotal for Account 20066-00	304.38		92.0
071-00	02-71		609 MAIN STREET		RESIDENTIAL	
	51 - WATER BASE		SI STAD	124.80		
	51 - WATER USAGE		ra, 200	14 1.00		
	52 - SEWER		2/28/23	69.22		
	51 - WATER LATE FEE		212012	8.34		2.4
	52 - SEWER LATE FEE			18.24		12.3
	51 - OVERPAYMENT					
			Sublolal for Account 20071-00 :	220.60		14.8
077-00	02-77		606 MONTGOMERY STREET		RESIDENTIAL	
	51 - WATER BASE		Lizo IXau	181.61		58.8
	51 - WATER USAGE		Plandaus			
	52 - SEWER		11/12/11/11/17	103.83		34.6
	51 - WATER LATE FEE		4/11- 11/10/12	5.68		
	52 - SEWER LATE FEE		10 . 4/10/00	5.68		
	51 - MISC					
	51 - OVERPAYMENT					
			Sublotel for Account 20077-00 :	296.80		91.4
00-880	02-88		PO. \$2.28,33 Pd. 100 4/11/23 1/25/23		RESIDENTIAL	
	51 - WATER BASE		1 = L LO 122 PI 100	436.80		312.0
	51 - WATER USAGE		10, 122 10,100	9.96		6.8
	52 - SEWER		H/11/23 1/25/23	614.89		545.6
	51 - WATER LATE FEE		11 1 11 11 11 11 11			
	52 - SEWER LATE FEE					
			Sublotal for Account 20088-00 :	1061.67		864.5
125-00	02-125		309 W WALULLA STREET		RESIDENTIAL	
	51 - WATER BASE		Pa \$200	187.20		62.4
	51 - WATER USAGE		1 2 102	9.51		3.1
	52 - SEWER		3123125	137.01		67.7
	51 - WATER LATE FEE		-11	59.78		40.1
	52 - SEWER LATE FEE			75.22		46.8
	51 - OVERPAYMENT					
			Subtolal for Account 20125-00 :	468.72		220.3

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### CITY OF IDAHO CITY

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Account	Route - Meter	Customer Name	Service Address		User Type	
	Fund - Service			Balance		Past Due
0126-00	02-126		316 W WALULIA STREET	2	RESIDENTIAL	
	51 - WATER BASE		DA405 3/14/2	187.20		62.4
	51 - WATER USAGE		1 200 2/m/	53		
	52 - SEWER		\$80 2141	108.26		39.0
	51 - WATER LATE FEE		0	17.77		17.7
	52 - SEWER LATE FEE			21.64		21.6
	51 · OVERPAYMENT					
	0.4229230		Suidotal for Account 20128-00 :	334,87		140.8
1131-00	02-131		116 COTTONWOOD STREET		RESIDENTIAL	
	51 - WATER BASE			187.20		62.4
	51 - WATER USAGE					
	52 - SEWER			103.83		34.6
	51 - WATER LATE FEE			6.24		
	52 - SEWER LATE FEE			6.24		
	51 - ON/OFF FEE					
	51 - OVERPAYMENT		0.11.1.1.6.1	000.01		
			Sublotal for Account 20131-00 :	303.51		97.0
136-00	02-136		104 COTTONWOOD STREET	1/14/73	RESIDENTIAL	
	51 - WATER BASE		\$ 97.01	2/ 187.20		62.4
	51 - WATER USAGE		\$ 291.03	4/11/73		
	52 - SEWER				1	34.6
			Sublotal for Account 20136-00 :	291.03		97.0
137-00	02-137		102 COTTONWOOD STREET	1/12	RESIDENTIAL	
	51 - WATER BASE		8470121	4/20 187.20		62.4
	51 - WATER USAGE		1.101	1/100		
	52 · SEWER		\$ 791 03 4	1/11/23.03.83		34.6
	51 - OVERPAYMENT		the second se			
			Sublotal for Account 20137-00 :	291.03		97.0
143-00	02-143		201 COMMERCIAL STREET	154	RESIDENTIAL	
	51 - WATER BASE		TA %	187.20		62.4
	51 - WATER USAGE		In FI	13 20.25		6.7
	52 - SEWER		11/5/	103.83		34.6
	51 - WATER LATE FEE		41	6.92		
	52 - SEWER LATE FEE			6.92		
	51 - ONVOFF FEE					
	51 - OVERPAYMENT		Subject for Assessed 20142 02	325.12		103.7
07.00	A5 4 77		Subiolal for Account 20143-00 :	363.12	DECONCENTIAL	103.7
187-00	02-167		3884 HIGHWAY 21	luilas	RESIDENTIAL	
	51 - WATER BASE		\$180.48 ZI	14/63 231.45		77_1
	51 - WATER USAGE		\$232.57 41	1.1.7		
	52 - SEWER		*Z3L,5+ 41	11/23 311.49		103.8
	51 - OVERPAYMENT					
1000	1001000		Subiotal for Account 20167-00 :	542.94	-	180.9
168-00	02-168		3886 HIGHWAY 21	hula	RESIDENTIAL	
	51 - WATER BASE		\$148.60 21	14/63 231.45		77
	51 - WATER USAGE		- 1701- 1	6.69		23
	52 - SEWER		\$148,60 ZI \$232,57 4,	11/23 207.68		<del>89</del> .2
	51 - OVERPAYMENT					
	AD 000		Sublotal for Account 20168-00 :	445.80	DECIDENTIA	148.6
23-00	02-223		132 PROSPECTOR LANE		RESIDENTIAL	
	51 - WATER BASE		1	189.60		64.6
	51 - WATER USAGE		-1-Day	11.08		5.5
	52 - SEWER		1.01.0	138.44		69.2
	51 - WATER LATE FEE		4410123	8.07		0.5
	52 - SEWER LATE FEE		1110101	8.18		0.5
	51 - OVERPAYMENT					

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#### CITY OF IDAHO CITY 08:55:31 - 04/05/2023

Account	Route - Meter	Customer Name	Service Address		User Type	
	Fund - Service			Balance		Past Due
237-00	02-237		24 BUENA VISTA ROAD	1774 (1977)	RESIDENTIAL	
	51 - WATER BASE		n tel	124.80		
	51 - WATER USAGE		1- Day	60.29		15.7
	52 - SEWER		AL. N	-7 103.83		34.6
	51 - WATER LATE FEE		4/10/1	1.57		****
	52 - SEWER LATE FEE		111010	1.57		
	51 - OVERPAYMENT					
	AA 474		Subtotal for Account 20237-00 :	292.06		50.3
278-00	02-278		301 W WALULIA STREET	11.	RESIDENTIAL	
	51 - WATER BASE 51 - WATER USAGE		\$100 3, \$100 4/1	14/23 124.80		
	52 - SEWER			69.34		0.1
	51 - WATER LATE FEE		Ann Il.	123		u.)
	52 - SEWER LATE FEE		410D 911	10-		
	51 - ON/OFF FEE					
	51 - OVERPAYMENT					
			Subtolal for Account 20278-00 :	200.36		0.1
291-00	02-291		204 LAINEY LANE		RESIDENTIAL	
	51 - WATER BASE			374.40		249.6
	52 - SEWER			207.66		138.4
	51 - WATER LATE FEE			74.88		31.2
	52 - SEWER LATE FEE			86.37		33.7
			Sublotal for Account 20291-00 :	743.31		452.9
293-00	02-293		232 MORES CREEK DRIVE		RESIDENTIAL	
	51 - WATER BASE			374.40		249.6
	52 - SEWER			207.66		138.4
	51 - WATER LATE FEE			74.88		31.2
	52 - SEWER LATE FEE			86.37		33.7
			Sublicital for Account 20293-00 :	743.31		452.9
294-00	02-294		106 PROSPECTOR LANE		RESIDENTIAL	
	51 - WATER BASE			312.00		187.2
	51 - WATER USAGE					
	52 - SEWER			173.05		103.8
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE		Sublotal for Account 20294-00	485.05		291.0
002-00	03-02		304 ELK CREEK ROAD	Tality	RESIDENTIAL	
	51 - WATER BASE	\$150 4/10/	DAU_			
	52 - SEWER	130	The state	447,84		378.6
	51 - WATER LATE FEE	. 1 1	72 JACDEMEN			00000
	52 - SEWER LATE FEE	4/10/	DAINE	986.64		904.4
	51 - OVERPAYMENT	17101				100000000
			Sublotal for Account 30002-00	1434.48		1283.0
				Total Balan	ce:	38756.90
			Total Past D	101	31051.87	