

CITY OF IDAHO CITY



AMENDED REGULAR CITY COUNCIL MEETING
Wednesday, July 27, 2022
6:00 P.M.
City Hall, 511 Main Street, Idaho City, ID 83631

Join Zoom Meeting

<https://us02web.zoom.us/j/89176468753?pwd=Y1JuV0xMTXNrY1lwYit3S3INUHlkZz09>

Meeting ID: 891 7646 8753

MINUTES

CALL MEETING TO ORDER: Council President Secor called the meeting to order at 6:03 pm.

ROLL CALL: Elliot, Adams, Secor were present. Martin was present via Zoom.

PLEDGE OF ALLEGIANCE: Council President Secor led the Pledge of Allegiance.

74-204 (4) An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and states the good faith reason the agenda item was not included in the original agenda posting. Final action may not be taken on an agenda item added after the start of a meeting unless an emergency is declared necessitating action at that meeting. The declaration and justification shall be reflected in the minutes.

The agenda needs to be amended for the following reason: There is a need to discuss immediate or emergency measures to address water levels and water leaks.

Secor made a motion to amend the agenda to include item #1 under Ordinances and Resolutions – Immediate or Emergency Measures to Address Water Levels and Water Leaks, Action Item, seconded by Elliott.

Secor-aye, Adams-aye, Elliott-aye, Martin-aye. Motion carries.

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: JULY 13, 2022, **ACTION ITEM**

Elliott made a motion to approve the minutes dated July 13, 2022 as presented, seconded by Adams. Secor-aye, Adams-aye, Elliott-aye, Martin-aye. Motion carries.

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

C. BILLS/PAYABLES: JULY 14, 2022 THROUGH JULY 27, 2022, **ACTION ITEM**

Elliott made a motion to pay the bills dated July 14, 2022 through July 27, 2022, in the amount of \$31,235.53, seconded by Adams. Martin-aye, Secor-aye, Adams-aye, Elliott-aye. Motion carries.

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

1. MOUNTAIN WATERWORKS WATER RIGHTS UPDATES

Mountain Waterworks was not present, no updates.

2. ALLOW COUNCIL PRESIDENT'S SIGNATURE ON IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY DRINKING WATER PLANNING GRANT APPLICATION, SRF-01, **ACTION ITEM**

Martin made a motion to allow council president's signature on Idaho Department of Environmental Quality Drinking Water Planning Grant Application, SRF-01, seconded by Adams. Elliott-aye, Adams-aye, Secor-aye, Martin-aye. Motion carries

3. STATE OF IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY AUTHORIZING RESOLUTION, SRF-03, AUTHORIZING THE COUNCIL PRESIDENT TO SIGN ALL APPLICATIONS, FUNDING AGREEMENTS, AND OTHER DOCUMENTS RELATING TO DRINKING WATER FACILITY PLAN PROJECT, **ACTION ITEM**

Elliott made a motion to allow the council president to sign all applications, funding agreements, and other documents relating to Drinking Water Facility Plan Project, seconded by Martin. Secor-aye, Adams-aye, Elliott-aye, Martin-aye. Motion carries.

IV. OLD BUSINESS

V. NEW BUSINESS

1. CERTIFICATE OF APPRECIATION AWARDED TO COUNCILMEMBER DAVE MARTIN

Council President presented Councilmember Martin with a certificate of appreciation for his years of service. Councilmembers expressed their gratitude.

2. VALLEY WIDE PROPANE PROPOSAL

Representative from Valley Wide Propane was present. Discussion will take place at the next City Council Meeting.

VI. ORDINANCES AND RESOLUTIONS

Ordinances and resolutions are formal measures considered by the City Council to implement policy which the Council has considered. Resolutions govern internal matters to establish fees and charges pursuant to existing ordinances. Ordinances are laws which govern general public conduct. Certain procedures must be followed in the adoption of both ordinances and resolutions; state law often establishes those requirements. **ACTION ITEM**

1. IMMEDIATE OR EMERGENCY MEASURES TO ADDRESS WATER LEVELS AND WATER LEAKS, **ACTION ITEM**

City Attorney Callahan indicated that It has been a challenge for the water facility plant to keep up with the water demands in the City. She researched whether or not the City can shut off a property owner's water if there is a major leak on the resident's property. The City can shut off a resident's water for a delinquent bill, but it is unclear if the City can shut off a property owner's water in order to stop a leak. City Attorney Callahan suggested that City Council discuss what should be in Idaho City Code to address the situation in order to allow the shut off of service when there is a water leak on a resident's property. It should take into account how imminent is the threat posed by the water leak and if immediate action needs to be taken with an emergency ordinance that would give the City the power to affirmatively shut off a resident's water or to limit the number of hours per day that resident's water can be on in order to prevent the leak from creating imminent peril to the City's water plant.

Public Works Director Claus expressed that with the amount of water that is flowing through the water plant she can't clean out the sand bay. She is also concerned that if the water to this resident is turned off temporarily without the leak being fixed, it could cause additional damage to the resident's water line when turned back on due to the water surge that will occur.

It was suggested that there be an emergency ordinance signed at the Special City Council Meeting on August 3, 2022 to address this issue. Chief Otter will deliver one more demand letter to this resident to inform them that the City will fix the leak, at the resident's cost, on a specified date if the resident does not fix the leak prior to that time.

VII. COMMITTEE REPORTS

A. PARKS & RECREATION COMMISSION

No letters of intent have been received.

B. HISTORIC PRESERVATION COMMISSION

No updates at this time.

C. PLANNING & ZONING COMMISSION

There is not a full quorum at this time. There have been three letters of intent received at this time. Clerk Ptak has been working with City Attorney Callahan to see if the number of members can be lowered from five to three in order to continue to hold Planning and Zoning meetings.

Gary Secor is in the process of annexing his property and would like to obtain a building permit but the process has been stalled due to the lack of quorum on Planning and Zoning. He is asking to have the City approve the building permit without having to go through the process with Planning and Zoning.

Niehoff property is in the process of obtaining a property split. Clerk Ptak would like to know if these property adjustments can be brought straight to City Council if there is not a Planning and Zoning quorum.

City Attorney Callahan noted that Idaho law requires the commission to have at least three board members. She suggested that Planning and Zoning should require five members for its Commission, and as long as there are three filled seats there would be a quorum with two members able to make decisions until the remaining positions are filled. City Council members noted that they would like the number to remain at five commission members.

D. IDAHO CITY CHAMBER OF COMMERCE

Idaho City Days need volunteers for the event in October. If interested contact Jacob Kesler or Shelly Heffington.

VIII. EXECUTIVE SESSION

Certain City-related matters may need to be discussed confidentially as a matter of law subject to applicable legal requirements; the Council may enter executive session to discuss such matters. **ACTION ITEM**

1. EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF AN INTEREST IN REAL PROPERTY AND TO COMMUNICATE WITH COUNSEL ABOUT THE IMMINENTLY LIKELY LEGAL PROCEEDINGS UNDER IDAHO CODE SECTION 74-206(1)(c),(f)

IX. EMPLOYEE UPDATES

A. PUBLIC WORKS

Public Works Director Claus indicated that one of the Public Works employees is out on medical leave. Staff members have donated sick leave. Monday was having problems with the water plant keeping up with the water demands of the city. A new pump has been ordered. Public Works is having a problem accessing the sewer plant using the easement.

B. LAW ENFORCEMENT

Chief Otter indicated that law enforcement is very busy. There is a plan being developed for emergency procedures at the school. Jon Adams is administering a Tac Med training course for all law enforcement. Chief Otter had a meeting with ITD. The City can buy solar speed limit signs and be reimbursed by ITD. ITD is offering a program that will pay for a full-time officer for three years. This can be applied for in January 2023 and would begin in October 2023.

C. CLERK/TREASURER'S OFFICE

1. BUDGET UPDATES

Clerk Ptak presented the 3rd Quarterly Financial report as well as the July 2022 monthly budget.

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

Clerk Ptak presented a billing adjustment sheet for water and sewer accounts.

ICRMP approved Clerk Ptak setting up the accounting system to track the donated sick time for the employee on medical leave.

D. CITY ATTORNEY

City Attorney Callahan indicated that an additional letter was sent to the property owner with the severely delinquent water and sewer account. No response was given by the property owner. She suggests that the necessary paperwork be completed to put a lien on the property. She also suggested doing an ordinance change to match the water and sewer code provisions to be able to take a civil action against the property owner to avoid having to put a lien on a property.

X. COUNCIL UPDATES

Councilmember Martin said that it was a pleasure working with everyone. He indicated that Public Works needs more money in their budget. He suggests a tiered water billing system.

XI. MAYOR UPDATES

No updates. Mayor was not present.

XII. CITIZEN COMMENTS

This section of the agenda is reserved for citizens wishing to address the Council regarding City-related issues that are not on the agenda. To ensure adequate public notice, Idaho Law provides that any item requiring Council action must be placed on the agenda of an upcoming Council meeting, except for emergency circumstances. Comments related to future public hearings should be held for that public hearing. Repeated comments regarding the same or similar topics previously addressed are out of order and will not be allowed. Persons wishing to speak will have 5 minutes. Comments regarding performance by city employees are inappropriate at this time and should be directed to the mayor, either by subsequent appointment or after tonight's meeting, if time permitting.

1. Jessica Ledbetter - Inquired if she could have a caretaker on her property, living in a motorhome. She was previously informed by Chief Otter that no one can live in a motorhome without access to services. Chief Otter replied that it was possible to have a caretaker live on the property if the motorhome was hooked up to a dedicated City water and sewer line.
She is concerned about an easement on her property that is for access to the sewer plant.
2. Marc Carignan – Reiterated Councilmember Martin's comment that a tiered water payment system would be a good idea to incentivize residents to conserve water. Ordinance No. 367 is a concern that is allowing a trailer park on the Cowboy Campground to have four permanent spots that will be hooked to City sewer and water. Wants to have the following defined in code – Residential Trailer/Mobile Home/Manufactured Home Park or site, Recreational Vehicle Park, Campground. The definitions should include proper site layouts, snow clearing, and water/sewer hookups. He is concerned about unintended consequences for the health and safety of the City. He would like the Ordinance revisited to make sure that it has clear definitions of land use for what is allowed in the City.

ADJOURNMENT: 7:10

BUDGET WORKSHOP

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

Council members:

Tom Secor Jr

Dave Martin

Ashley M Elliott

Mari Adams

Chief of Police:

Mark Otter

icpd100@gmail.com

City officers:

Mathew Archuleta

Ericca Robbins

Brent Watson

Public Works Director:

Tami Claus

idahocitypublicworks@cityofic.org

Public Works:

Gene Bettys

Dominick Nalley

Janitorial:

Dale Rutter

City Clerk-Treasurer:

Nancy L Ptak

idahocityclerk@cityofic.org

Deputy Clerk:

Sue Robinson

Office Clerk:

Laura Carignan

511 Main Street

PO Box 130

Idaho City, ID 83631

(208)392-4584

4cityfolk@cityofic.org

idahocityoffice@cityofic.org