

# CITY OF IDAHO CITY



**MINUTES**

## AMENDED REGULAR CITY COUNCIL MEETING

Wednesday, September 13, 2023

7:00 P.M.

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

Join Zoom Meeting

<https://us02web.zoom.us/j/4192717240?pwd=UWJUEHFjdM5GMUliNUhFNkJKHaUZ2QT09>

Meeting ID: 419 271 7240

Passcode: iccouncil

## AMENDED AGENDA ITEMS IN BOLD

**CALL MEETING TO ORDER:** Mayor Everhart called regular city council meeting to order at 7:00 PM

**ROLL CALL:** Clerk Ptak called roll, Secor, Adams, Elliott, Heffington in attendance.

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

Counselor Secor made a motion, seconded by Elliott pursuant to Idaho Code Section 74-204(4)(c) to amend the agenda because of a scrivener's error to add an executive session to discuss with legal counsel pending matters and an acquisition of an interest in real property related to water rights. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried.

### I. 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**

#### A. IC Sections 74-206(f) and 74-206(c) to discuss controversies imminently likely to be litigated and to discuss acquisition of an interest in real property not owned by the City.

Counselor Secor made a motion, seconded by Elliott, to adjourn to Executive Session pursuant to Idaho Code sections 74-206(F) and 74-206(C) to discuss controversies imminently likely to be litigated and acquisition of an interest in real property not owned by the city. Secor Aye, Adams aye, Elliott aye, Heffington aye. Called into session/adjourned at 7:02pm. Mayor Everhart called back into regular session at 7:44pm.

### II. CONSENT AGENDA

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it is discussed in greater detail. Explanatory information is included in the Council agenda packet regarding these items and any contingencies are part of the approval.

#### A. APPROVAL OF MINUTES: AUGUST 23, 2023 **ACTION ITEM**

Counselor Heffington made a motion, seconded by Adams, to approve the minutes dated August 23, 2023. 4 ayes. Motion carried.

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

##### 1. IDAHO CITY CHAMBER OF COMMERCE – IDAHO CITY DAYS, SEPTEMBER 30, 2023 & OCTOBER 1, 2023

Mayor Everhart explained that he had spoken with Chief Otter who worked with the chamber on the checklist and approved it. Counselor Adams added that she had signed off on the EMS portion. Counselor Secor made a motion, seconded by Elliott, to approve the event checklist for Idaho City Chamber of Commerce – Idaho City Days September 30 and October 1, 2023. 4 ayes. Motion carried. Counselor Secor made a motion, seconded by Elliott to approve an alcohol variance for Idaho City Days September 30 and October 1, 2023 for the hours of the event. 4 ayes. Motion carried.

#### C. BILLS/PAYABLES: AUGUST 24, 2023 THROUGH SEPTEMBER 13, 2023 **ACTION ITEM**

Counselor Secor made a motion, seconded by Heffington, to approve the bills August 24, 2023 through September 13, 2023 in the amount of \$23,465.52. 4 ayes. Motion carried.

### III. 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**

#### IV. ENGINEER'S REPORT

- A. OBTAINING A WATER RIGHT DEVIATION
- B. DISCUSSION ON THE PURCHASE OR LEASE OF WATER RIGHT PROJECT FUNDING ELIGIBILITY

Both above items were discussed in the Executive Session.

#### V. 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. ORDINANCE 384 REGULATING THE CREATION OF NOISE (REPEALS 316)

Counselor Adams made a motion, seconded by Secor, 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. 384 be considered immediately. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried. Counselor Adams made a motion, seconded by Secor, Ordinance No. 384 now before the council to be approved. Secor aye, Adams aye, Elliott aye, Heffington aye. Motion carried. The Ordinance will be effective upon publication in the newspaper.

##### B. UPDATE AND REVISIONS FOR LIQUOR LICENSING

City Attorney Callahan informed council that for the next meeting they will have in final format an update to the city code on liquor regulations. Callahan explained that instead of continuing to redo sections, the code needed to be repealed and replaced. Callahan further explained that the new ordinance would remove all of the things that are not legally enforceable. It cleans up the deadlines on expiration and makes things cleaner for the renewal process. One of the biggest changes deals with the grounds to have a license revoked, suspended, restricted, or otherwise action taken against the license. Callahan went on to explain other changes that would be introduced, violations, nuisances, chronic nuisances, and procedures for violations, etc.

#### VI. OLD BUSINESS

#### VII. NEW BUSINESS

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

License Application is complete.

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

License Application is complete.

##### C. 2024-08 TRUDY'S KITCHEN LIQUOR LICENSE **ACTION ITEM**

License Application is complete.

Counselor Elliott made a motion, seconded by Adams, to approve the liquor licenses 2024-06, 2024-07, 2024-08. 3 ayes. Secor abstain. Motion carried.

#### VIII. EMPLOYEE UPDATES

##### A. PUBLIC WORKS

Mayor Everhart explained with changing the meetings to 7pm he had suggested that Public Works and Law Enforcement only need attend one meeting per month to provide their updates and that meeting would be the second meeting of the month. Public Works has removed the beaver dam from Mores Creek. Visitors Center bathrooms have been deep cleaned and need baseboards installed. Some roadwork was done on E. Walulla, and water shut off notices were delivered. Public Works received quotes for sand traps on Bear Run and also quotes for fencing around the wastewater treatment plant. Mayor Everhart explained that they would be looking into possible grants for the fencing project which is a requirement from DEQ. Fencing quotes came in at \$65,000 and \$62, 500. Discussion on fencing requirements and grants ensued.

##### B. LAW ENFORCEMENT

Mayor Everhart spoke for Chief Otter. They have gone back to a normal schedule patrolling during the day but also during weekend evenings. The new graphics have been put on the car. Otter is also working with Boise City who has received funding to replace some of their vehicles. Of the vehicles they are getting rid of Chief Otter is looking at one that may be gifted to the city.

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

###### 1. KOSER ADDRESS CHANGE 105 E HILL RD TO 210 E. WALULLA

Clerk Ptak explained that assigning addresses within the city is part of the City Clerks job. Ptak supplied council with a picture in their packet regarding the Koser property and explained that there is no access off Hill Road and that is why they are looking to change the address. Discussion on the property and access ensued. Ptak wanted the council to know to ensure that there were no issues. Mayor Everhart asked the City Attorney if there were any issues in changing the address and Callahan responded no and it could be changed back if needed.

###### 2. BUDGET UPDATES

Clerk Ptak explained that the update in the packet is as of last month and shows current revenue and expenditures. The update was also provided for Public Works and Law Enforcement to see where things are at before then end of the fiscal year. Ptak explained the sewer fund does not have the room for the fencing project. Discussion on fencing and materials

ensued. Ptak added that she would have another budget update at the next meeting that would show numbers close to year end.

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

Counselor Secor asked if there had been anymore conversations with Element Construction. City Attorney Callhan explained that she would be following up.

#### D. CITY ATTORNEY

City Attorney Callahan explained that she has a dual role and is currently serving as the attorney for the Association of Idaho Cities. The EPA has promulgated a rule related to tribal reservation rights. Indian tribes have reserved rights to fish and access water rights to harvest said fish which are then impacted by any pollutants that are discharged into the water because they eat a higher concentration of fish than the average American. The EPA would require states to reset the water quality standards (how much can be discharged) to take into account and protect the tribal reservation rights. If the rule goes into effect it will increase the water quality standards that municipalities can discharge. DEQ anticipates a large number of water systems in the state would require significant upgrades which is not budgeted and accounted for. DEQ and the Attorney Generals Office are planning to challenge the rule when it comes out. Callahan has helped put together a list of cities who are interested in providing a declaration about the impact of the rule on the cities and Idaho City is on that list. Attorneys are working on putting together a declaration. Discussion on facilities, and water quality ensued. Currently Idaho City is not obligated to anything but is participating on the interested cities list. If determined that there is no effect on the city then the city can look at what kind of participation support it can provide.

### IX. COUNCIL UPDATES

Counselor Elliott explained that the Historical foundation has asked if the picnic tables at the rodeo grounds can be used at Brogan park during Idaho City Days because the park will be the food court for the event. Counselor Secor added that as long as they are returned to the rodeo grounds he had no objection. Counselor Elliott add that she had received some complaints about blue couches and Counselor Adams responded that they are gone.

### X. MAYOR UPDATES

Mayor Everhart no update.

### XI. CITIZEN COMMENTS

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

Carrie Ann Kowalczyk joining via zoom asked if when an officer is on call and that officer goes home, then there is no ICPD coverage within the city at that time? Mayor Everhart responded yes that is correct and added that the City Attorney has provided a mutual aid agreement with the Boise County Sheriff's to enable the Sheriff's to enforce city code when needed. Kowalczyk asked how long it takes them to respond to calls if they are not living in Idaho City. Mayor Everhart responded that if they are running codes it takes approximately 20 minutes. This is also the purpose of the mutual aid agreement so that the ICPD officers do not have to rush back up if on call. Discussion on officers staying in hotels and costs ensued. Kowalczyk asked how security went at the Goldmine during the Rodeo. Mayor Everhart responded that Chief Otter would have a better update at the next meeting, but it was not up to the standard that the city was led to believe.

**ADJOURNMENT 8:34pm**

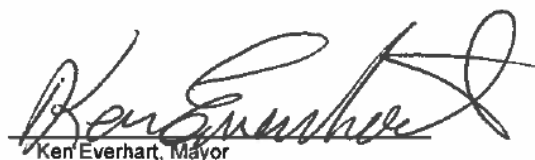
ATTEST:

Date approved:

9/27/2023



Nancy L. Ptak, City Clerk-Treasurer



Ken Everhart, Mayor

Questions concerning items appearing on this Agenda or requests for accommodation of special needs to participate in the meeting should be addressed to the Office of the City Clerk, 511 Main Street or call 208-392-4584.

#### Mayor:

Ken Everhart

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

#### Council members:

Tom Secor Jr

Ashley M Elliott

Mari Adams

Ryan Heffington

#### Chief of Police:

Mark Otter

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

#### City officers:

Brent Watson

#### Public Works Director:

Tami Claus

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

#### Public Works:

Nick Mancera

Dallas DeCory

#### City Clerk-Treasurer:

Nancy L Ptak

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

#### Deputy Clerk

Kaleb Goodlett

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#### Utility Billing Clerk

Sue Robinson

[4cityfolk@cityofic.org](mailto:4cityfolk@cityofic.org)

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operating hours

Monday- Thursday

8 am - 5 pm

Friday 9am -3pm