CITY OF IDAHO CITY

REGULAR CITY COUNCIL MEETING
Wednesday, September 27, 2023
7:00 P.M
City Hall, 511 Main Street, Idaho City, ID 83631

Join Zoom Meeting
https://us02web.zoom.us/j/4192717240?pwd=UWJUeHFjdm5GMUliNUhFNkJHaUZ2QT09
Meeting ID: 419 271 7240
Passcode: iccouncil

CALL MEETING TO ORDER
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: SEPTEMBER 13, 2023 ***ACTION ITEM***
B. IDAHO CITY EVENT CHECKLIST: ***ACTION ITEM***
C. BILLS/PAYABLES: SEPTEMBER 14, 2023 THROUGH SEPTEMBER 27, 2023 ***ACTION ITEM***

II. 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***

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

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 NO 385 - LICENSING OF THE SALE OF ALCOHOLIC BEVERAGES (REPEALS 260 & 318)

VI. OLD BUSINESS

VII. NEW BUSINESS

VIII. COMMITTEE REPORTS

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

IX. EMPLOYEE UPDATES

A. PUBLIC WORKS
B. LAW ENFORCEMENT
C. CLERK/TREASURER'S OFFICE
    1. WATER AND SEWER UPDATES, ***ACTION ITEM***
    2. BUDGET REPORT
D. CITY ATTORNEY

X. COUNCIL UPDATES

XI. MAYOR UPDATES

XII. CITIZEN COMMENTS

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

ADJOURNMENT

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
Ashley M Elliott
Mari Adams
Ryan Heffington

Chief of Police:
Mark Otter
icpd100@cityofic.org
City officers:
Brent Watson

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

City 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 9am -3pm

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=UWJUeHFjdm5GMUliNUhFNkJHaUZ2QT09
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 the 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:

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
Ashley M Elliott
Mari Adams
Ryan Heffington

Chief of Police:
Mark Otter
icpd100@cityofic.org
City officers:
Brent Watson

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

City 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 9am -3pm

* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document $/ Line $	Disc $	PO #	Fund	Org Acct	Object	Proj	Cash Account
2450	26934S	223 IDAHO CHIEFS OF POLICE	700.00							
1		2023-103 02/24/23 Conference registration -Ott	350.00			10	42100	470		10100
2		2023-103 02/24/23 Conference registration -Wat	350.00			10	42100	470		10100
2451	26935S	33 BOISE OFFICE EQUIPMENT	23.87							
1		3676843 09/11/23 Copier services	11.94			10	41500	330		10100
3		3676843 09/11/23 Copier services	11.93			52	43500	330		10100
2452	26936S	182 XEROX FINANCIAL	200.62							
1		4741051 09/05/23 Copier lease	100.31			10	41500	330		10100
3		4741051 09/05/23 Copier lease	100.31			52	43500	330		10100
2453	26937S	235 MICROTECH SYSTEMS	960.00							
1		71149 09/20/23 IT Sevices	288.00			10	41500	350		10100
2		71149 09/20/23 IT Sevices	480.00			51	43400	350		10100
3		71149 09/20/23 IT Sevices	192.00			52	43500	350		10100
2454	26945S	8 JOHN DEERE CREDIT	2,451.01							
1		2825026 09/14/23 Backhoe payment	490.20			20	43200	742		10100
2		2825026 09/14/23 Backhoe payment	1,372.57			51	43400	742		10100
3		2825026 09/14/23 Backhoe payment	588.24			52	43500	742		10100
2455	26946S	999999 FBI COMMAND COLLEGE / NAOMI	3,400.00							
1		2022-FBI 08/31/23 FBI Command College - Otter	1,700.00			10	42100	470		10100
2		2022-FBI 08/31/23 FBI Command College - Watson	1,700.00			10	42100	470		10100
2456	26938S	274 Boise County Cleaning Company	280.00							
1		342 09/15/23 City Hall cleaning	280.00			10	41500	611		10100
2457	-99924E	230 US BANK SEVICE CHARGES	113.65							
1		08/15/23 analysis service charge	113.65			10	41500	370		10100
2458	26939S	999999 BRYAN BOWERMASTER	150.00							
1		na 09/26/23 Comm Hall Dep Refund	150.00			10	41500	360		10100
2459	26940S	204 TAMRA CLAUS	59.18							
1		na 09/25/23 Milleage 9/25/23	59.18			52	43500	450		10100
2460	26941S	196 KENNETH EVERHART	220.76							
1		na 09/25/23 mileage 7-1 to 9-30	220.76			51	43400	113		10100

* ... Over spent expenditure

Claim Line #	Check	Vendor #/Name/ Invoice #/Inv Date/Description	Document $/ Line $	Disc $	PO #	Fund	Org Acct	Object	Proj	Cash Account
2461	26947S	17 Idaho Department of	1,020.00							
1	4924	08/29/23 Fee assessment fee year 2024	1,020.00			51	43400	460		10100
2462	26942S	275 American Legal Publishing	567.65							
1	28014	09/18/23 2023 suplimental pg - ord 377-	425.74			10	41500	910		10100
3	28014	09/18/23 2023 suplimental pg - ord 377-	141.91			52	43500	910		10100
2463	26948S	181 SIMPLII	308.27							
1	58336	09/26/23 City Hall Phones	92.48			10	41500	490		10100
2	58336	09/26/23 City Hall Phones	123.31			51	43400	490		10100
3	58336	09/26/23 City Hall Phones	92.48			52	43500	490		10100
2464	26943S	278 Strata	19,800.00							
1	230374	09/22/23 WWTP Monitoring wells	1,493.05			52	43500	580		10100
2	230343	09/25/23 WWTP Monitoring wells	18,306.95			52	43500	580		10100
2465	26944S	45 CENTURYLINK	321.90							
1	Sept 217B	09/16/23 City Hall	38.37			10	41500	491		10100
2	Sept 217B	09/16/23 City Hall	33.58			51	43400	491		10100
3	Sept 217B	09/16/23 City Hall	23.99			52	43500	491		10100
4	Sept 559B	09/16/23 Water Plant	99.98			51	43400	491		10100
5	Sept 685B	09/16/23 Sewer Internet & Phone	125.98			52	43500	491		10100
2466	-99923E	217 USDA LOAN PAYMENTS	2,142.00							
1		09/25/23 USDA LOAN PAYMENT 09/27/23	2,142.00			51	43400	850		10100
2470	-99922E	264 FP Mailing Solutions	200.00							
1		09/08/23 prepaid postage	100.00			10	41500	305		10100
2		09/08/23 prepaid postage	70.00			51	43400	305		10100
3		09/08/23 prepaid postage	30.00			52	43500	305		10100

# of Claims 18 Total: 32,918.91

Total Electronic Claims 2,455.65 Total Non-Electronic Claims 30463.26

** This report runs by Claim Posted Date, which is a system generated field that always shows the date on which the Claim was actually posted in the system. If a Claim was cancelled and re-posted, the posted date will show as of the date it was re-posted. **

Fund/Account	Amount
10 GENERAL FUND	
10100 Checking-Cash in Bank	$5,700.49
20 STREET FUND	
10100 Checking-Cash in Bank	$490.20
51 WATER FUND	
10100 Checking-Cash in Bank	$5,562.20
52 SEWER FUND	
10100 Checking-Cash in Bank	$21,166.02
Total:	**$32,918.91**

Ciy of Idaho City
PO Box 130
511 Main Street
Idaho City, Idaho 83631-0130

CASH VOUCHERS

Authorized by: _____ Date: _____

CITY OF IDAHO CITY

ORDINANCE No. 385

AN ORDINANCE OF THE CITY OF IDAHO CITY, BOISE COUNTY, IDAHO, TO REPEAL AND REPLACE ORDINANCES 260 AND 318 RELATING TO THE LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES AND PROVIDING FOR PENALTIES AND AN EFFECTIVE DATE.

WHEREAS, the City of Idaho City finds it is necessary to update and amend its City Code regarding the licensing and regulation of the sale of beer, wine, and liquor within the City limits.

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

Section 1. REPEAL OF TITLE 3, CHAPTER 2 OF THE CITY CODE OF IDAHO CITY. Chapter 2 of Title 3 of the City Code of Idaho City, as codified by Ordinance 260, enacted on June 24, 1997, and Ordinance 318 enacted on October 23, 2007, is repealed.

Section 2. ADDITION OF NEW CHAPTER TO TITLE 3 REGULATING ALCOHOLIC BEVERAGES. A new Chapter 2 of Title 3 of the City Code of Idaho City shall be created as follows:

3-2-1: Short Title: This ordinance shall be referred to as the "Alcoholic Beverage Ordinance."

3-2-2: Definitions: The terms used in this chapter shall have the meanings prescribed by Chapters 9, 10 and 13 of Title 23 of the Idaho Code, unless indicated otherwise specifically or by context. Liquor by the drink, wine, or beer may be collectively referred to as "alcoholic beverage."

3-2-3: License Required: It is unlawful for any person to offer for sale, sell, or in any manner dispose of an alcoholic beverage without a license as provided in this chapter and the laws of the state of Idaho.

3-2-4: Application: An applicant for a license must submit a complete and signed application on a city-approved form. A complete application includes submission of the required fee(s) established by resolution of the city council, proof of any qualifications in the form required by the application, and the following:

A. The name and address of the applicant and all persons who otherwise will have a financial interest in any business to be carried on, in or upon the premises.

1. If the applicant is a partnership, the applicant must include whether it is a general or limited partnership and the name and address of each partner, and

2. If a corporation or association, the name and address of the officers and the board of directors, trustees, or other governing board.

3. A financial interest will be construed broadly and includes an interest resulting from open loans, mortgages, conditional sales contracts, silent partnerships, trusts, or any other basis than upon trade account incurred in the ordinary course of business.

B. The address and description of the premises for which a license is sought.

C. If the premises to be licensed is not owned by the applicant, a certified copy of documentation showing the applicant's lawful occupation and possession of the property and that the owner or lessor has consented to the sale of liquor, beer, or wine on the premises.

D. A copy of the germane licenses issued by the director of the Idaho State Police and the board of county commissioners for the purpose, premises, and time for which the application is made to the city.

3-2-5: Premises: The premises for the sale of any alcoholic beverages must meet the following:

A. Conform to the laws and regulations of the state and to the ordinances of the county and the city, which are applicable thereto and which relate to public health, safety, and planning and zoning.

B. Is not within three hundred feet (300') of any public school, church or other place of worship, or college, measured in a straight line from the nearest corner of said building, to the nearest entrance of the licensed premises. This provision does not apply to licensed premises which preexisted the public school, church or other places of worship or college or applications pending, or licenses issued prior to June 24, 1997.

C. Meets the current uniform building code as adopted by the city, except for the renewal of license that was originally issued prior to June 24, 1997, and is in the same location.

D. Has adequate lighting.

E. Has a full and unobstructed view of the premises.

3-2-6: <u>Submission to Council</u>: Within thirty (30) days of submission of an initial application, the city clerk will determine whether the application is complete and verify whether the state and county licensing requirements have been met, and thereafter submit it for consideration by the city council at its next regular meeting occurring more than two (2) business days after the clerk's determination.

3-2-7: Term and Expiration: All licenses issued pursuant to this chapter shall expire at twelve o'clock (12:00) midnight on August 31. If the license is issued for less than a full calendar year, the license fee shall be prorated on a daily basis, as of the day of actual issuance.

3-2-8: Renewal: A complete application for renewal of a license shall be submitted no later than August 1 to the city clerk on a city-approved form and including submission of the required fee(s) established by resolution of the city council, and proof of any qualifications. An untimely application or incomplete application may result in a delay of processing or consideration and may result in the expiration of the license.

3-2-9: Catering Permit:

A. Eligibility: For benevolent, charitable, or public purposes, any person who has been issued a permit to dispense or sell beer, wine, or both by the director of the Idaho State Police pursuant to the provisions of Sections 23-1007A or 23-1336 of the Idaho Code may submit an application for a beer or wine catering permit to the city clerk. All such permits shall be subject to the provisions and restrictions of Sections 23-1007A and 23-1336 of the Idaho Code.

B. Required Information: The application shall contain the following information:

1. The name and address of the applicant and the names of the organizations, groups, or persons sponsoring the event;

2. A copy of the permit issued by the Idaho State Police pursuant to the provisions of Sections 23-1007A or 23-1336 of the Idaho Code;

3. The dates and hours during which the permit is to be effective, not to exceed three (3) consecutive days; and

4. The address at which the beer, wine, or both is to be served.

C. Verification: The application shall be verified by the applicant and filed with the City.

D. Fee: A non-refundable filing fee in the amount of twenty dollars ($20.00) for each day the permit is to be effective shall be paid to the City.

3-2-10: Report of Change to Information: A licensee must report any changes in the information submitted on an application or regarding the premises within thirty (30) days of the change.

3-2-11: Transfer and Temporary License: In the event that an application for license is filed pursuant to the transfer of ownership of an existing licensed establishment, and contingent upon compliance with all of the terms of this chapter by the applicant, the mayor or the city clerk shall be empowered to issue a temporary license to the applicant valid for a period of up to thirty

(30) days. At such time as the application is addressed by the city council, the temporary license shall terminate.

3-2-12: Posting of License: Alcoholic beverage licenses or catering permit shall be posted in a conspicuous place on the premises and kept and posted at all times during which the license is valid.

3-2-13: Hours of Sale:

A. Prohibited Hours: Two thirty o'clock (2:30) A.M. shall be the required closing time. No alcoholic beverages shall be dispensed, sold, offered for sale, or given away on any day between the hours of two o'clock (2:00) A.M. and seven o'clock (7:00) A.M.

B. Consumption After Hours:

1. Allowed: Any patron present on the licensed premises after the sale of alcoholic beverages has stopped as required in subsection A of this Section shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverages already served.

2. Penalty: Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon a licensed premises after the time provided for in subsection A of this Section shall be guilty of a misdemeanor.

3-2-14: Access to Premises: It shall be unlawful to deny or obstruct access to licensed premises to any law enforcement personnel, fire department personnel, or state or public health inspectors acting in official capacity.

3-2-15: Grounds for Denial, Revocation, Suspension or Restriction of License: The city council may deny, refuse to renew, revoke, suspend, restrict, condition, or otherwise take action against a license for the following:

A. Fraud, misrepresentation, or concealment in application or procurement of a license or permit under this chapter;

B. Failure to maintain qualifications for a license;

C. Violation of any federal, state, or local law or regulation relating to the sale, disposition, or other regulation of alcoholic beverages;

D. Violation of any of the provisions of this chapter;

E. Suspension, revocation, or other action taken against the germane state or county license, which shall be prima facie evidence of grounds for reciprocal action.

F. Conduct or act of the licensee or their employees or any conduct or act permitted by the licensee or them on the premises where such business is conducted, or in connection

therewith or adjacent thereto, tending to render such business or such licensed premises as a "moral nuisance", nuisance, or chronic nuisance as defined by state law or city code.

G. Failure to comply with conditions or restrictions on a license.

3-2-16: Responsibility of Licensee: Violations of this chapter or grounds for denial, revocation, suspension, or other action as set forth in this chapter which occur due to the conduct of an employee or agent or failure of the licensee or its employees or agents to exercise proper control over the licensed premises shall be imputed to the licensee.

3-2-17: Procedure for Denial, Revocation, Suspension or Restriction:

A. Request For Hearing on Denied Application: An applicant who application has been denied may request in writing a hearing before the city council within fifteen (15) days of the date of mailing or hand delivery of the decision by the city council.

B. Notice of Potential Violation: When a report or complaint is filed with the city clerk that a licensee has committed grounds for discipline, the chief of police or his designee will conduct a reasonable investigation into the matter and make a report to the city attorney. The city attorney will make a preliminary assessment of whether a violation probably has been committed, and if so, will notify the clerk to schedule a hearing before the city council.

C. Hearing: Within fifteen (15) days of receipt by the city clerk of written request for hearing, a hearing before the city council will be scheduled, and the clerk will notify the applicant or licensee of the allegations and the hearing date and time of the hearing. The notice of the hearing date and time shall be served upon the licensee by leaving a copy at the licensed premises or by the city clerk mailing the notice by certified mail to the licensee at the licensed premises.

D. Written Decision: In the event the city council denies an application or renewal, or takes other action against a license the city must specify the following in writing:

1. The statutes, ordinances and standards used to evaluate.

2. Specify the reasons for the denial, suspension, revocation, or other action.

3. The actions, if any, the applicant could take to obtain, renew, or reinstate the license or come into compliance.

E. Emergency Suspension. The Chief of Police shall have the authority to close a licensed premises, immediately suspend a license issued pursuant to this chapter, or both any time a situation occurs that endangers the health, safety, or welfare of the public at large. This suspension will continue through the remainder of the business day, but for no more than seventy-two (72) hours. During such time, and as soon as practicable, the authority taking said action will file a complete report with the City Clerk who will notify the Mayor and City Council.

3-2-18: <u>Penalty</u>: Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor for each violation, and upon conviction thereof in a court of competent jurisdiction, shall be subject to penalty as provided in Section 1-4-1 of this Code, together with the costs of prosecution.

Section 3. SAVINGS CLAUSE. Ordinances 260 and 318 repealed by this ordinance, shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates those ordinances prior to the effective date of this ordinance.

Section 4. SEVERABILITY CLAUSE. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 5. EFFECTIVE DATE. That this ordinance shall be in full force and effect upon passage, approval, and publication according to law.

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.

_____
Kenneth Everhart, Mayor

ATTEST:

_____
Nancy L. Ptak, City Clerk/Treasurer

UTILITY BILLING SYSTEM Report ID: 1086 | CITY OF IDAHO CITY

ADJUSTMENTS JOURNAL - Specific Type

For Postdate from 09/01/2023 to 09/27/2023 Ordered by ADJUSTMENT NUMBER from AP and Year 9 - 2023
ALL ADJUSTMENT NUMBERS
ALL ACCOUNTS

14:22:21 - 09/27/2023

ADJUSTMENT TYPES: BILLING CORRECTION CONSUME CORRECTION NO ADJUSTMENT TYPE NSF FEE ON/OFF FEE RE-READ

Adjustment Number	Customer Name	Account	Route - Meter	Type	Post Date
Description	Service			Amount	
12423	[redacted]	20302-00	02-302	BILLING CORRECTION	
ADJUSTMENT	SEWER			-58.22	09/12/2023
COMMENTS: Changed sewer charge to vacancy for 2 prior months and recalculated and reprinted bill			Subtotal for Account 20302-00 :		-58.22
12424	[redacted]	20302-00	02-302	BILLING CORRECTION	
ADJUSTMENT	SEWER			-29.11	09/12/2023
COMMENTS: Sewer billing corrected to vacancy. Corrected 1st month sewer charge.			Subtotal for Account 20302-00 :		-29.11
12425	[redacted]	20304-00	02-304	BILLING CORRECTION	
ADJUSTMENT	SEWER			-29.11	09/12/2023
COMMENTS: Sewer charge corrected to vacancy charge for prior month.			Subtotal for Account 20304-00 :		-29.11

Grand Total of Adjustments: -116.44

UTILITY BILLING SYSTEM Report ID: 1020 — **CITY OF IDAHO CITY**

PAST DUE 60 OR MORE DAYS — For target date 09/12/2023 — **13:04:10 - 09/12/2023**

Account	Route - Meter / Fund - Service	Customer Name	Service Address	Balance	User Type	Past Due
20001-00	03-08	[redacted]	302 ELK CREEK ROAD		COMMERCIAL	
	51 - WATER BASE	Pd. $610 9/26/23	Agreement	14279.44		13864.12
	52 - SEWER					
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE			10791.95		10791.95
	51 - OVERPAYMENT					
			Subtotal for Account 20001-00 :	25071.39		24656.07
20002-00	02-02	[redacted]	305 ELK CREEK ROAD		RESIDENTIAL	
	51 - WATER BASE	Pd. $250 cc 9/22/23	24 hr 9/20/23 7 day 9/13/23	226.77		164.37
	51 - WATER USAGE			8.64		6.41
	52 - SEWER			173.05		138.44
	51 - WATER LATE FEE			41.70		41.70
	52 - SEWER LATE FEE			56.00		56.00
	51 - ON/OFF FEE					
	51 - OVERPAYMENT					
			Subtotal for Account 20002-00 :	506.16		406.92
20004-00	03-NONE	[redacted]	300 ELK CREEK ROAD		RESIDENTIAL	
	51 - WATER BASE	Pd. $220 9/26/23	Agreement	173.05		138.44
	52 - SEWER					
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE			334.48		334.48
	51 - OVERPAYMENT					
			Subtotal for Account 20004-00 :	507.53		472.92
20019-00	02-19	[redacted]	607 MAIN STREET		RESIDENTIAL	
	51 - WATER BASE	Pd. $200 9/20/23, Last Pd. $200 8/9/23		187.20		124.80
	51 - WATER USAGE			23.63		14.52
	52 - SEWER			122.85		88.24
	51 - WATER LATE FEE			13.48		13.48
	52 - SEWER LATE FEE			17.52		17.52
	51 - OVERPAYMENT					
			Subtotal for Account 20019-00 :	364.68		258.56
20058-00	02-58	[redacted]	403 MONTGOMERY STREET		RESIDENTIAL	
	51 - WATER BASE	Pd in full 9/13/23	7-day 9/13/23	186.35		123.95
	51 - WATER USAGE			12.02		8.71
	52 - SEWER			103.83		69.22
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE					
	51 - NSF FEE					
	51 - OVERPAYMENT					
			Subtotal for Account 20058-00 :	302.20		201.88
20071-00	02-71	[redacted]	609 MAIN STREET		RESIDENTIAL	
	51 - WATER BASE	Pd. $200 9/20/23	Last Pd. $200 8/9/23	179.44		117.04
	51 - WATER USAGE					
	52 - SEWER			103.83		69.22
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE					
	51 - OVERPAYMENT					
			Subtotal for Account 20071-00 :	283.27		186.26
20088-00	02-88	[redacted]	101 PLACER STREET		RESIDENTIAL	
	51 - WATER BASE		Last Pd. $100 7/25/23	374.40		312.00
	51 - WATER USAGE			4.25		3.64
	52 - SEWER			217.63		183.02
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE					
			Subtotal for Account 20088-00 :	596.28		498.66

UTILITY BILLING SYSTEM Report ID: 1020 — **CITY OF IDAHO CITY**

PAST DUE 60 OR MORE DAYS — **For target date 09/12/2023** — **13:04:10 - 09/12/2023**

Account	Route - Meter / Fund - Service	Customer Name	Service Address	Balance	User Type	Past Due
20113-00	02-113	[redacted]	201 E WALULLA STREET		RESIDENTIAL	
			Last Pd $260 7/11/23			
	51 - WATER BASE			124.80		62.40
	51 - WATER USAGE			2.71		2.03
	52 - SEWER			81.63		47.02
	51 - WATER LATE FEE			10.58		10.58
	52 - SEWER LATE FEE			10.58		10.58
	51 - OVERPAYMENT					
			Subtotal for Account 20113-00 :	230.30		132.61
20163-00	02-163	[redacted]	2 SUMMERVOLD ROAD		RESIDENTIAL	
			Pd. 64.97 9/19/23 Pd. 126.46 9/8/23			
	51 - WATER BASE			187.20		124.80
	51 - WATER USAGE			4.23		1.66
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE					
	51 - OVERPAYMENT					
			Subtotal for Account 20163-00 :	191.43		126.46
20217-00	02-217	[redacted]	117 PROSPECTOR LANE		RESIDENTIAL	
			Last Pd. $200 8/22/23			
	51 - WATER BASE			124.80		62.40
	51 - WATER USAGE			37.81		17.15
	52 - SEWER			74.85		40.24
	51 - WATER LATE FEE			12.48		12.48
	52 - SEWER LATE FEE			12.48		12.48
	51 - NSF FEE					
	51 - OVERPAYMENT					
			Subtotal for Account 20217-00 :	262.42		144.75
20220-00	02-220	[redacted]	311 W WALULLA STREET		RESIDENTIAL	
			Pd in full $300 9/22/23 24hr 9/20/23 7-day 9/13/23			
	51 - WATER BASE			174.31		111.91
	51 - WATER USAGE			15.20		9.12
	52 - SEWER			103.83		69.22
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE					
	51 - OVERPAYMENT					
			Subtotal for Account 20220-00 :	293.34		190.25
20223-00	02-223	[redacted]	132 PROSPECTOR LANE		RESIDENTIAL	
			Pd in full 9/21/23 $378.35 24hr 9/20/23 7day 9/13/23			
	51 - WATER BASE			184.20		121.80
	51 - WATER USAGE			20.32		14.92
	52 - SEWER			103.83		69.22
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE					
	51 - OVERPAYMENT					
			Subtotal for Account 20223-00 :	308.35		205.94
20229-00	02-229	[redacted]	110 A BEAR RUN ROAD		RESIDENTIAL	
			Last Pd $210 8/1/23			
	51 - WATER BASE			124.80		62.40
	51 - WATER USAGE			10.67		5.40
	52 - SEWER			69.22		34.61
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE			4.68		4.68
	51 - OVERPAYMENT					
			Subtotal for Account 20229-00 :	209.37		107.09
20242-00	02-242	[redacted]	420 ELK CREEK ROAD		RESIDENTIAL	
			Working on Pay Agreement Last Pd. $150 7/13/23			
	51 - WATER BASE			186.58		124.18
	51 - WATER USAGE			26.53		16.61
	52 - SEWER			103.83		69.22
	51 - WATER LATE FEE			11.48		11.48
	52 - SEWER LATE FEE			11.48		11.48
	51 - MISC					
	51 - OVERPAYMENT					
			Subtotal for Account 20242-00 :	339.90		232.97

UTILITY BILLING SYSTEM Report ID: 1020 — CITY OF IDAHO CITY

PAST DUE 60 OR MORE DAYS — For target date 09/12/2023 — 13:04:10 - 09/12/2023

Account	Route - Meter / Fund - Service	Customer Name	Service Address	Balance	User Type	Past Due
20250-00	02-250	[redacted]	421 ELK CREEK ROAD		RESIDENTIAL	
	51 - WATER BASE	$250 on 9/19/23	Last pd $200 7/25/23	124.80		62.40
	51 - WATER USAGE			7.97		1.62
	52 - SEWER			80.83		46.22
	51 - WATER LATE FEE			7.77		7.77
	52 - SEWER LATE FEE			7.77		7.77
	51 - OVERPAYMENT					
			Subtotal for Account 20250-00 :	229.14		125.78
20291-00	02-291	[redacted]	204 LAINEY LANE		RESIDENTIAL	
	51 - WATER BASE			686.40		624.00
	52 - SEWER			380.71		346.10
	51 - WATER LATE FEE			305.76		243.36
	52 - SEWER LATE FEE			467.86		346.48
			Subtotal for Account 20291-00 :	1840.73		1559.94
20293-00	02-293	[redacted]	232 MORES CREEK DRIVE		RESIDENTIAL	
	51 - WATER BASE			686.40		624.00
	52 - SEWER			380.71		346.10
	51 - WATER LATE FEE			305.76		243.36
	52 - SEWER LATE FEE			467.86		346.48
			Subtotal for Account 20293-00 :	1840.73		1559.94
20302-00	02-302	[redacted]	207 LAINEY LANE		RESIDENTIAL	
	51 - WATER BASE		Sent to new address	187.20		124.80
	52 - SEWER			-12.61		
	51 - WATER LATE FEE			12.48		
			Subtotal for Account 20302-00 :	187.07		124.80
~~30001-00~~	~~03-01~~	[redacted]	211 COMMERCIAL STREET		~~RESIDENTIAL~~	
	~~51 - WATER BASE~~			~~19.00~~		~~19.00~~
	52 - SEWER			11.00		11.00
	~~51 - WATER LATE FEE~~					
	~~51 - OVERPAYMENT~~					
			Subtotal for Account 30001-00 :	~~30.00~~		~~30.00~~
30002-00	03-02	[redacted]	304 ELK CREEK ROAD		RESIDENTIAL	
	51 - WATER BASE	Pd. $220 9/26/23	Agreement			
	52 - SEWER			173.05		138.44
	51 - WATER LATE FEE					
	52 - SEWER LATE FEE			334.48		334.48
	51 - OVERPAYMENT					
			Subtotal for Account 30002-00 :	507.53		472.92

Pd in full

Total Balance: 34101.82

Total Past Due: 31694.92