

CITY OF IDAHO CITY



REGULAR CITY COUNCIL MEETING

Wednesday, December 14, 2022

6:00 P.M

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

<https://us02web.zoom.us/j/4192717240?pwd=UWJUeHFjdM5GMUlNUhFNkjhHaUZ2QT09>

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: NOVEMBER 30, 2022 **ACTION ITEM**

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

C. BILLS/PAYABLES: NOVEMBER 30, 2022 THROUGH DECEMBER 14, 2022 **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

1. WHITE CLOUD COMMUNICATIONS- ERIK SPRINGER- IDAHO GRANT TO EXPAND INTERNET- BROADBAND SERVICES- DISCUSSION, POSSIBLE **ACTION ITEM**

V. NEW BUSINESS

1. BLM LEASE AGREEMENT IDI 034742 – MAYOR EVERHART **ACTION ITEM**
2. UPDATE ZONE- RESIDENTIAL WITH THE ADDED LANGUAGE THAT HOMES MUST BE GREATER THAN 401 SQ FT OF LIVING SPACE. INCLUDE "TINY HOME" DEFINITION AS DEFINED BY IDAHO RESIDENTIAL CODE.
3. ADOPT THE PROPOSED LAND USE AND AREA AND HEIGHT REGULATIONS TABLE ATTACHED.
4. REVIEW FACTS AND FINDINGS OF SECOR AND HOLBERT REQUEST FOR ANNEXATION
5. REVISE ORDINANCE 367.

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**

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. LAW ENFORCEMENT
- C. CLERK/TREASURER'S OFFICE
 - 1. BUDGET UPDATES
 - 2. WATER AND SEWER UPDATES, **ACTION ITEM**
- 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.

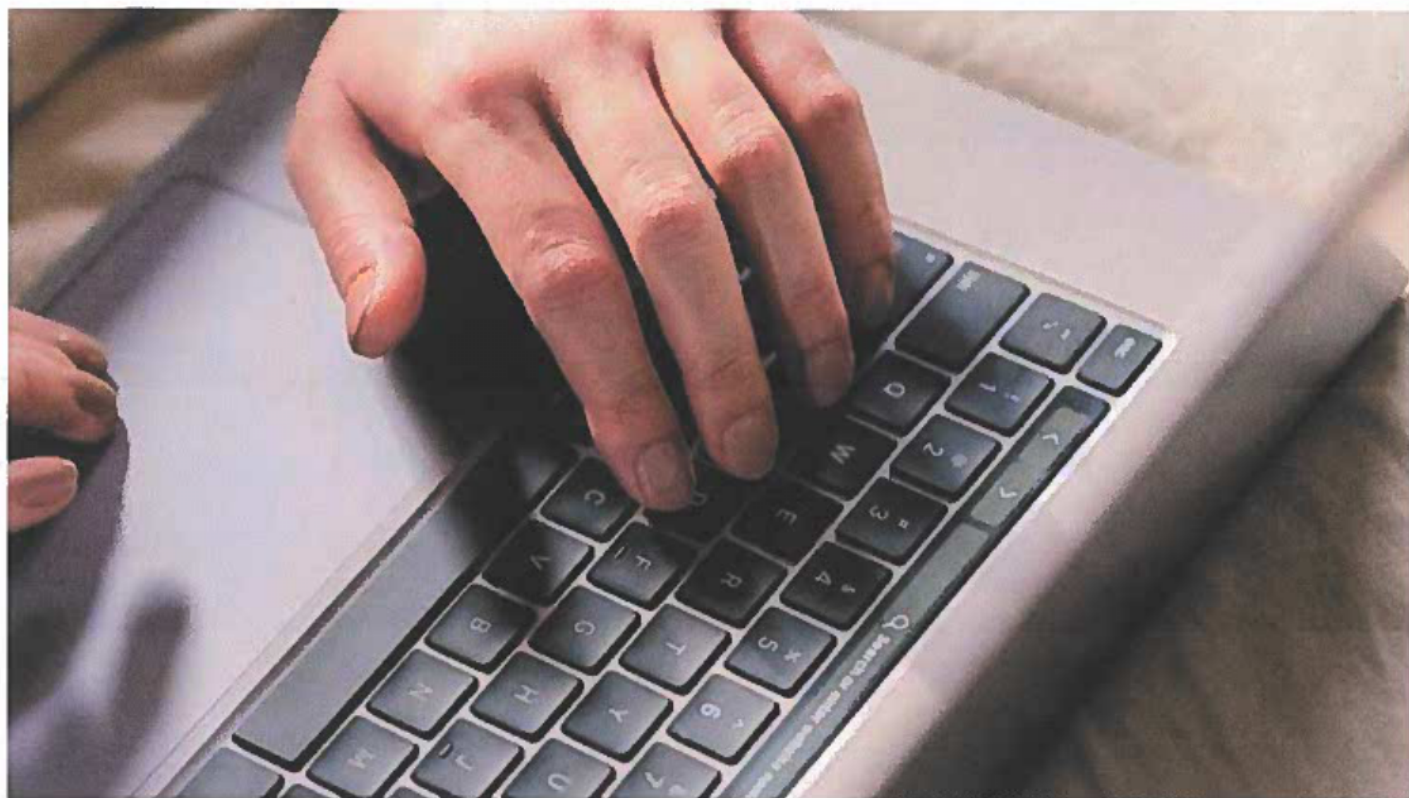
Mayor: Ken Everhart idahocitymayor1@cityofic.org	Chief of Police: Mark Otter icpd100@gmail.com	Public Works Director: Tami Claus idahocitypublicworks@cityofic.org	City Clerk-Treasurer: Nancy L Ptak idahocityclerk@cityofic.org	511 Main Street PO Box 130 Idaho City, ID 83631
Council members: Tom Secor Jr Ashley M Elliott Mari Adams Ryan Heffington	City officers: Mathew Archuleta Ericca Robbins Brent Watson Janitorial: Dale Rutter	Public Works: Gene Bettys Dominick Nalley Chad Sinclair (temp)	Deputy Clerk: Sue Robinson 4cityfolk@cityofic.org Office Clerk: Emily Sinclair idahocityoffice@cityofic.org	(208)392-4584 operating hours Monday- Thursday 8 am - 5 pm

https://www.idahopress.com/news/local/idaho-receives-first-planning-grants-for-massive-project-to-expand-internet-to-all-americans/article_e81317b6-61fe-11ed-955e-b7f854adf6e5.html

Idaho Receives First Grants for Massive Project to Expand Internet to all Americans

By ERIN BANKS RUSBY erusby@idahopress.com

Nov 14, 2022



Idaho will be the third state to receive money to plan for expanding high-speed internet access to all residents in the state.

The National Telecommunications and Information Agency is expected to make an official announcement on the funding this morning.

Idaho is getting nearly \$5 million in planning funds for that purpose. Eventually, Idaho and other states will receive a minimum of \$100 million to implement the projects they all Idahoans to high-speed internet.

The state broadband office will use the initial funds to ground truth where Idaho lacks internet connectivity, Feinman said. Internet service providers have given data to the Federal Communications Commission, which in turn will be releasing new maps of internet coverage on November 18, said Virginia Bring, press secretary for NTIA. It will then be the job of people in the broadband office to hold meetings to verify that coverage data with community members and “make a plan to develop a new program that will then allow the state to make subgrants to (companies) to build these networks and get everybody online,” Feinman said.

The U.S. has less connectivity compared to other nations that are part of the Organization for Economic Cooperation and Development, or OECD, Feinman said. Members of that organization are democracies that have market-driven economies, such as Japan, Chile, and Germany. The primary reason is that the U.S. is less densely populated, he said.

But the lack of connectivity is also due to the difficulty in making it profitable, he said.

“It costs the same amount of money to run a mile of fiber in Indianapolis as it does in rural Idaho, but in downtown Indianapolis, you’re going to get thousands of customers paying you monthly so you can recoup that investment,” Feinman said. “In rural Idaho, you might only get a handful. That market failure is why it’s really important that the government step in and enter into the public-private partnerships we are contemplating so that we can make it ... financially sustainable to extend network to as many Americans as possible.”

Communities without high-speed internet tend to suffer both from an economic perspective and other bad outcomes, particularly amongst the most vulnerable community members, Feinman said. The elderly may have more trouble aging in place, and “when they do, it’s less safe,” he said. Children in communities without high-speed internet are less likely to pursue post-secondary education, and when they do, it tends to be at less-prestigious institutions, and they receive less financial aid and take on more debt, he said.

The availability of health care “is dramatically diminished when you take telehealth out of the equation,” he said.

“So it’s a really important problem to solve, and we’ve been chipping away at it for a long time,” he said. “This is what we believe will be the final push to get internet for all Americans”

Kelley Packer, the executive director for the Idaho Association of Cities, said that money is an important first step in expanding internet access in the state.

"It's really thrilling and exciting that we're actually going to be receiving a grant so that we can be more thoughtful and intentional about our statewide plan, because I don't believe we'll be successful at the local levels without some state direction, and actually having a plan in place that helps everybody do this in a more organized way," Packer said.

Right now, Idaho "does not have an A+ system anywhere" when it comes to internet connectivity, Packer said. Even parts of Boise have spotty coverage, she said. Going through the COVID-19 pandemic really exposed gaps, she said.

Packer also thinks Idaho's future growth should be considered in the planning process.

"We need to not just look at expediency and try to find quick fixes; we need to be thoughtful and intentional on the growth that's expected over the next five, 10, and 15 years in Idaho and plan long term about connecting everyone across the state so that we can have a more thriving economic atmosphere here in Idaho," she said.

Libraries are one entity that stands to benefit most from the digital equity funding, Bring said.

Libraries offer a number of services to help with digital equity, said Stephanie Bailey-White, Idaho's state librarian, who acts as the CEO of the Idaho Commission for Libraries. Those areas include providing equipment for check out to access the internet, providing skills training, technical support programs for people who need help solving equipment issues, and access to databases, she said.

"Especially during the pandemic, libraries focused on how they could keep students learning, adults earning, and improving the health and well-being of people throughout our state," including starting telehealth sites, and providing device check out, Bailey-White said. When funding comes in for implementation, scaling up some of those projects would be a good use of the funds, she said.

Though the funding for digital equity may seem like a small part of the overall Bipartisan Infrastructure Law, it is still significant, she said.

"I think it could be a game changer for our state," she said, adding that in her lifetime, she has not seen anything close to that level of funding for such projects.

How much each state will ultimately receive will be announced in June 🇺🇸
state will receive less than \$100 million.

One program, called the Affordable Connectivity Program, is already available to residents across the country, Bring said. The program reduces internet bills for low-income Americans by up to \$30 per month, or \$75 per month for households on tribal lands, she said. Over 27,000 Idaho households have signed up so far, though an estimated 260,000 households in the state qualify, she said.

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"The Idaho Office of Broadband is excited to begin the process of working with the state's 5-year action plan and mapping in preparation for the Broadband Equity, Access, and Digital Equity program," said Idaho's State Broadband Program Manager Ramón Hobdey-Sánchez in an emailed statement to the Idaho Press. "These initial planning funds provide Idaho and the Idaho Broadband Advisory Board the opportunity to begin working with the broadband stakeholders and interested parties as soon as possible."

The funding comes from the Bipartisan Infrastructure Law, which in addition to providing funding for infrastructure such as roads, included \$42 billion for the Broadband Equity, Access, and Deployment program, which states will receive to help build out their high-speed internet infrastructure and connect all residents, said Evan Feinman, the NTIA's deputy associate administrator for the program.

"Internet for all Americans is what we're going to get done here," Feinman said. "We're going to hook up every single home and business to some kind of meaningful internet connection, and we're going to ensure that as many of those folks as possible have the skills, equipment, and financial wherewithal to make meaningful use of that network connectivity."

Idaho will receive over \$4.9 million as part of the initial funding; over \$4.3 million will be for planning for infrastructure expansion while \$564,706 will be for the digital equity program — planning how to expand underserved communities' access to the internet, including programs to provide equipment, build skills and offset the cost of internet service.

Louisiana was the first state to receive planning grant money through this "Internet for All" initiative, getting \$2.9 million in August, followed by Ohio receiving \$6.47 million in October.

Prior federal efforts to expand internet access have tended to be top-down led, underfunded, and did not have the goal of providing internet for everyone, Feinman said. They also tended to involve workers in Washington D.C. contracting with broadband service providers "without really consulting state or local leadership or members of those communities," he said. The new programs are different, he said.

"This is much more about partnership between NTIA and the state broadband office, and then partnership between the state broadband office and local tribal and community leaders," adding that it is about empowering the state broadband office to do the on-the-ground work



PROPOSALS FOR CITY COUNCIL TO CONSIDER PLACING ON NEXT AGENDA:

- 1) **Update Zone – Residential (R) with the added language that homes must be greater than 400 sf of living space.**
- 2) **Include “Tiny Home” definition as defined by Idaho Residential Code (see end of document).**
- 3) **Adopt the proposed Land Use and Area and Height Regulations table attached.**
- 4) **Review facts and findings of Secor and Holbert request for annexation (to be sent for next meeting). This is not complete as of this meeting. We will be forwarding our recommendation after we evaluate it during our next public meeting.**
- 5) **Update definition of livestock to allow for 96 hours (weekend events).**

5-3-6: LIVESTOCK:

A. **Property Requirement:** No person shall keep, harbor or maintain any livestock within the City unless such person provides a minimum of one-half (1/2) acre per head of livestock, dedicated to such keeping, harboring or maintaining.

B. **Applicability:** Any livestock which physically remains within the City for a period in excess of ~~twenty-four~~ **ninety-six (24-96)** hours shall be deemed to be kept, harbored or maintained.

C. **Exception:** This Section shall not apply to the Chief of Police, the Sheriff of Boise County, any brand inspector of the State, or any veterinarian performing any duties required by title 25, Idaho Code, or this Chapter. (Ord. 268, 6-9-1998)

- 6) **Revise ordinance 367 as follows:**

4-4-1 : Short Title: This ordinance shall be referred to as the “Short-Term Recreational Vehicle Use Ordinance.”

4-4-2 : Definitions: For the purposes of this chapter, the terms Recreational Vehicle or RV include, but are not limited to, the following specific vehicles:

Camper: A separate vehicle designed for human habitation and which can be attached or detached from a pickup truck. When removed from the truck, campers are called "unmounted campers". These campers are sometimes referred to as "truck campers" and "overhead campers". Camper shells on pickup trucks are excluded from this definition.

Camping Trailer: A type of trailer or trailer coach, the walls of which are so constructed as to be collapsible and made out of either canvas or similar cloth, or some form of rigid material such as fiberglass, plastic or metal. The walls are collapsed while the recreational vehicle is being towed or stored and are raised or unfolded when the vehicle becomes temporary living quarters and is not being moved.

Motor Home: A motorized vehicle that has a truck or motor van chassis primarily designed to provide temporary living quarters for travel, camping, recreation and vacation use.

Travel Trailer: A trailer without its own motive power, designed as a temporary dwelling for travel, camping, recreation and vacation use. This definition includes fifth wheelers.

4-4-3 : General Provision Regarding Recreational Vehicles:

Except as otherwise provided herein or in other sections the City Code of Idaho City or unless otherwise prohibited, no person shall park or place within the city limits any recreational vehicle actively in use as sleeping or living accommodations for more than fourteen (14) consecutive days in any six (6) month period, unless the recreational vehicle is located in a mobile home or recreational vehicle park.

4-4-4 : Exceptions:

~~A. — A recreational vehicle may be used as temporary housing when a building permit has been issued and a permanent dwelling structure is being constructed or substantially remodeled such that the permanent dwelling structure is not habitable.~~

~~B. — A recreational vehicle may be used for a longer period of time than otherwise allowed in this Chapter when it is connected through an approved and exclusive connection to city water and sewer services, provided that appropriate steps must be taken between the months of October through May to ensure adequate snow removal from or prevent the accumulation of snow on the roof of the recreational vehicle and to protect water and sewer connections from freezing. The use of tarps or other temporary covers is prohibited. The recreational vehicle must be placed to comply with the setback requirements of the Zoning Regulations of the City Code of Idaho City and may not be placed in the public right of way or other easement used for vehicular ingress and egress to the public highway or public right of way. The recreational vehicle shall have a current registration and shall be in operational condition so it can be operated in a safe and lawful manner upon the roads and highways in the State of Idaho as set forth in the Motor Vehicle Laws of the State of Idaho, title 49, Idaho Code. A recreational vehicle shall not be set on blocks with the tires or running gear removed.~~

~~C. — A recreational vehicle may continue to be used and maintained as permanent housing in the same manner and under the same conditions when it was being used as permanent housing before this Chapter Ordinance was originally enacted and until a change of use occurs, relocation to another property occurs, or an occupancy permit issued is issued for a permanent dwelling structure on the property. A recreational vehicle may be repaired or replaced. The exception in this paragraph does not supersede, excuse, or waive compliance with any other provision of the City Code of Idaho City, or any other applicable federal, state, or local law, regulation, rule, or ordinance.~~

4-4-5 : Penalty:

A. A first violation of this chapter shall be an infraction punishable by a penalty not to exceed fifty dollars (\$50).

B. A second violation of this chapter within three (3) years of the commission of the first offense for which the person was convicted shall be an infraction punishable by a penalty not to exceed one hundred dollars (\$100).

C. A third violation of this chapter within three (3) years of the commission of the first offense for which the person was convicted shall be a misdemeanor and be punishable by a fine not exceeding one thousand dollars (\$1,000), by imprisonment not to exceed six months, or both.

D. Each twenty-four (24) hour period that a violation continues shall be a separate violation.

Section 3. CORRECTION TO SECTION 3, CHAPTER 1, TITLE 8 OF THE CITY CODE. The

City Code of Idaho City, Section 8-1-3 be amended with the following

correction: 8-1-3: MOBILE HOME, TRAILER OR

MANUFACTURED HOME:

Any mobile home, trailer or manufactured home which is proposed to be placed upon property inside the corporate limits of the City shall meet the standards set forth by the Idaho Division of Building Safety. This requirement shall also apply to moving an existing mobile home, trailer or manufactured home from one lot inside the City limits to another lot inside the City limits. Any such mobile home or trailer shall not be older than the year 1976.

Section 4. SAVINGS CLAUSE. Ordinance 1-35 repealed by this ordinance, shall remain in force to authorize the arrest, prosecution, conviction and punishment of a person who violates Ordinance 1-35 prior to the effective date of this ordinance.

Section 5. SEVERABILITY CLAUSE. The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

Section 6. EFFECTIVE DATE. That this ordinance shall be in full force and effect upon passage, approval and publication according to law.

IDAHO RESIDENTIAL CODE – TINY HOME

Appendix R Tiny Homes

Section AR101 Scope

This appendix shall be applicable to tiny houses used as single [dwelling units](#). Tiny houses shall comply with this code except as otherwise stated in this appendix.

Section AR102 Definitions

The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to [Chapter 2](#) of this code for general definitions.

Tiny House. A [dwelling](#) that is four hundred (400) square feet (thirty-seven (37) m) or less in floor area excluding lofts.

Escape and Rescue Roof Access Window. A skylight or roof window designed and installed to satisfy the [emergency escape and rescue opening](#) requirements in [Section R310](#).

Landing Platform. A landing provided as the top step of a [stairway](#) accessing a loft.

Loft. A floor level located more than thirty (30) inches (762 mm) above the [main](#) floor and open to it on at least one (1) side with a [ceiling height](#) of less than six (6) feet eight (8) inches (2032 mm), used as a living or sleeping space.

Section AR103 Minimum Ceiling Height

[Habitable space](#) and hallways in tiny houses shall have a [ceiling height](#) of not less than six (6) feet eight (8) inches (2032 mm). Bathrooms, toilet rooms, and [kitchens](#) shall have a [ceiling height](#) of not less than six (6) feet four (4) inches (1930 mm). Obstructions shall not extend below these minimum [ceiling heights](#) including beams, girders, ducts, lighting and other obstructions.

Exception: [Ceiling heights](#) in lofts are permitted to be less than six (6) feet eight (8) inches (2032 mm)

Section AR104 Lofts

AR104.1 Minimum Loft Area and Dimensions

Lofts used as a sleeping or [living space](#) shall meet the minimum area and dimension requirements of Sections [AR104.1.1](#) through [AR104.1.3](#).

AR104.1.1 Minimum Area

Lofts shall have a floor area of not less than thirty-five (35) square feet (3.25 m).

AR104.1.2 Minimum Dimensions

Lofts shall be not less than five (5) feet (1524 mm) in any horizontal dimension.

AR104.1.3 Height Effect on Loft Area

Portions of a loft with a sloping ceiling measuring less than three (3) feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

Exception: Under gable roofs with a minimum [slope](#) of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AR104.2 Loft Access

The access to and primary egress from lofts shall be any type described in Sections [AR104.3](#) through [AR104.6](#).

AR104.3 Stairways

[Stairways](#) accessing lofts shall comply with this code or with Sections [AR104.3.1](#) through [AR104.3.5](#).

AR104.3.1 Width

[Stairways](#) accessing a loft shall not be less than seventeen (17) inches (432 mm) in clear width at or above the [handrail](#). The minimum width below the [handrail](#) shall be not less than twenty (20) inches (508 mm).

AR104.3.2 Headroom

The headroom in [stairways](#) accessing a loft shall be not less than six (6) feet two (2) inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform [nosings](#)

in the middle of their width. Exception: The headroom for a landing platform, where [stairways](#) access lofts, shall be not less than four (4) feet six (6) inches (1372 mm).

AR104.3.3 Treads and Risers

[Risers](#) for [stairs](#) accessing a loft shall be not less than seven (7) inches (178 mm) and not more than twelve (12) inches (305 mm) in height. Tread depth and [riser](#) height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be twenty (20) inches (508 mm) minus $\frac{4}{3}$ of the [riser](#) height, or
2. The [riser](#) height shall be fifteen (15) inches (381 mm) minus $\frac{3}{4}$ of the tread depth.

AR104.3.4 Landing Platforms

The top tread and [riser](#) of [stairways](#) accessing lofts shall be constructed as a landing platform where the loft [ceiling height](#) is less than six (6) feet two (2) inches (1880 mm) where the [stairway](#) meets the loft. The landing platform shall be eighteen (18) inches to twenty-two (22) inches (457 to 559 mm) in depth measured from the [nosing](#) of the landing platform to the edge of the loft, and sixteen (16) to eighteen (18) inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

AR104.3.5 Stairway Handrails

[Handrails](#) shall comply with [Section R311.7.8](#).

AR104.3.6 Stairway Guards

[Guards](#) at open sides of [stairways](#) shall comply with [Section R312.1](#).

AR104.4 Ladders

Ladders accessing lofts shall comply with Sections [AR104.4.1](#) and [AR104.4.2](#)

AR104.4.1 Ladder Size and Capacity

Ladders accessing lofts shall have a rung width of not less than twelve (12) inches (305 mm) and ten (10) inches (254 mm) to fourteen (14) inches (356 mm) spacing between rungs. Ladders shall be capable of supporting a two hundred (200) pound (75 kg) load on any rung. Rung spacing shall be uniform within $\frac{3}{8}$ -inch (9.5 mm).

AR104.4.2 Ladder Incline

Ladders shall be installed at seventy (70) to eighty (80) degrees from horizontal.

AR104.5 Alternating Tread Devices

Alternating tread devices accessing lofts, and [handrails](#) of alternating tread devices shall comply with sections 1011.14.1 and 1011.14.2 of the [International Building Code](#), excluding the exception. The clear width at and below the [handrails](#) shall be not less than twenty (20) inches (508 mm).

AR104.6 Ships Ladders

Ships ladders accessing lofts, and treads and [handrails](#) of ships ladders shall comply with sections 1011.15.1 and 1011.15.2 of the [International Building Code](#). The clear width at and below [handrails](#) shall be not less than twenty (20) inches (508 mm).

AR104.7 Loft Guards

Loft [guards](#) shall be located along the open side of lofts. Loft [guards](#) shall not be less than thirty-six (36) inches (914 mm) in height or one (1)-half of the clear height to the ceiling, whichever is less.

Section AR105 Emergency Escape and Rescue Openings

Tiny houses shall meet the requirements of [Section R310](#) for [emergency escape and rescue openings](#). Exception: Escape and rescue roof access windows in lofts used as sleeping rooms shall be deemed to meet three (3) requirements of [Section R310](#) where installed such that the bottom of the opening is not more than forty-four (44) inches (1118 mm) above the loft floor, provided the escape and rescue roof access window complies with the minimum opening area requirements of [Section R310](#).