

CITY OF CROUCH
Regular Scheduled Meeting of the City Council
Wednesday August 9, 2023
6:30PM
City Hall
Garden Valley, ID 83622

Changes on agenda are for emergencies only.

Council Members

Mayor- Trevor Schiefelbein
Steve McAninch-President
Clayton Smith-By Phone
Shawna Martin
Mike Hefner

Staff

Treasurer-Steve Raddigan
Water Master- George Simpson-absent
City Clerk- Bonnie Horsewood
City Attorney-Geoff Schroader

The public has the right to attend meetings, with the exception of lawful executive sessions.

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Open Regular Council Meeting-6:34PM

Pledge of Allegiance

Public Hearing on Proposed Budget-6:34PM

Open Public Hearing

Hear Testimony

Close Public Hearing-6:37PM

Mayor opened the Public Budget Hearing asking for any questions or concerns from Public in attendance and from Council. Mayor directed Council to their copy of the Proposed Budget in their Council folders. Thor Oden asked how the Public can see what is in the Proposed Budget? Geoff explained that is it published twice in the Idaho World and a copy is always available at City Hall for viewing. Geoff gave Thor a copy to review. There were no questions or concerns from Council or those in attendance. Mayor then closed the Public Hearing.

• **Consent Agenda**

- Review of Minutes of Regular Meeting of July 12th, 2023
- Review of Payables & Financials
- (*) Approve Consent Agenda-Member SM Made a Motion to approve the Consent Agenda, Member MH Second the Motion. Motion passed.

• **Water Issues**

- (*) Water Master Report-Mayor had reached out to George Simpson, informing him of the list of suggestions that Steve R. had made for using the COVID relief funds for our water system and protection of the well head. George advised that the cement for the well head would run around \$1500. Mayor also inquired to George about looking at his contract with the city. Mayor has not received a reply although in previous conversations, George was hesitant about doing anything beyond the general scope of what we were asking him to do. Mayor suggested that possibly a Council member could speak with George. Steve R. had called George because there was some confusion regarding the email the Mayor had sent out. George said he would keep us compliant with DEQ, treatment and testing of the water. He does not have the time to deal with the

distribution point. If we need to have any pipes or connections done, George suggested going to an engineering firm. The City is required to have a licensed person do this.

- **New Business**

- (*) Discuss Proposed Budget for 2023-2024- Mayor asked if there were any questions adopting the Budget. No questions or concerns. Mayor asked for a Motion to suspend the Three Reading Rule for the Budget Ordinance, one reading by title only. Member SM made a Motion to Suspend The Three Reading Rule. Member SWM Second the Motion. Roll All-Yes. Motion passed.
- (*) Adopt Budget Ordinance # 2023-01-Mayor asked for a Motion to Adopt Budget Ordinance #2023-01. Member SM Made the Motion to Adopt Budget Ordinance # 2023-01, Member MH Second the Motion. Roll call: All- Yes. Motion Passed.
- (*) Property Line Adjustment- Council looked over the paperwork for the Lot Line Adjustment. All parcels had been signed off on except Parcel I. Normally there is a representative here to answer questions regarding the Lot Line Adjustment. There was no one here representing this. This is an issue that the property owner is doing himself with the adjoining buildings. It has nothing to do with the City wanting to survey Old Crouch Road. Geoff said he did not see how this would require the City's approval since it isn't adding any new property. Geoff suggested speaking to Tim Fritzley. Tell him to take it to the County. If it does require City approval, then we could have a special meeting. No vote as of this date because it's not a clear issue. Table this for now and move to next month or until further notice.

- **Old Business**

- (*) Street Survey update- The City received a loose estimate of the cost to survey Old Crouch Road, \$24,150. This was only an estimate of possible costs which would leave the door open to more costs. Council had approved \$17,000 for a survey. We had a difficult time getting any responses for estimates. Thor Oden asked what we will do with the survey? Are we taking the road as part of the city roads? How does the City benefit from this survey? Geoff explained that the City does not have a street department and we must contract to maintain our roads. Old Crouch Road was once maintained by a group of business owners. It is no longer maintained by them. The reason for the survey is to determine the road width. The City can then paint the center line and try to negotiate a maintenance agreement with Boise County. The City can either contract with private people or with Boise County because the city gets street funds. We are not surveyors nor is it lawful for us to try to be surveyors. We can eyeball to see where traffic goes, and we can hire somebody to pin it. Steve R. said this is the first time he has heard that this would allow the City to be financially responsible for the road. Geoff said that's not quite what he said. The City is not precluded from engaging in street repairs. Since we do not have a functioning street department, we have to maintain our streets some other way. The survey would establish clear limits on this particular road. The survey would establish the roadbed and what we would shave off the property, so owners would not have to pay property taxes on that. That would give us a clear scope on what we would want to contract on, either Boise County or someone else. Steve R. said again the city would have to pay money to maintain the road. The survey would not change the easement because the road is still private property. Geoff said ownership is a bundle of sticks. An easement allows people to traverse your property, but you still own the property, as a prescriptive easement as Old Crouch Road would fall under. The survey would establish where the city would take care of the road and what part the property owner would have to maintain by defining the width of the road. Steve R. said to be clear, the City is working toward financial responsibility for Old Crouch Road regardless of ownership. Geoff said technically Boise County is the only one who can

do it, but we could get somebody else. The further you get from the center of the road the less viable it is for public use and more towards private property of the businesses. We can start contracting with Boise County, we can set speed limits on it. Establishing the boundary will help get an agreement so we don't have to litigate a prescriptive easement. Litigating would not be simple but would have a positive outcome. Thor Oden asked what would happen if a car fell into a pothole, would the city be liable? Geoff said the city does not have a functioning street dept. If someone broke their leg in a pothole? Geoff said that is not clear. Member Shana Martin asked if the business would be liable. Geoff said no. Case law of a city with a functioning street department, failing to put up a bridge out sign, on a platted road, someone gets hurt due to that city would have to pay for that. That's not likely to happen here. If somebody put a cement block or an ice sculpture in the road, the city would have to take action to remove that. Member Shawna Martin asked if all the business owners were ok with doing the survey. From our last meeting it appeared that they were ok with it. Member Martin asked Ron from Two Rivers how he felt he would be benefiting from the survey. He said it would be nice to know where the center of the road is. Mayor asked Member Hefner, business owner, what his thoughts were on it. He expressed that to him it's a waste of money. They have put money in their parking lot for years. It would be an expensive way to know where the center of the road is.

Member Hefner said the business owners used to contract with the county until some people thought they could save money, and this ended. Everyone started doing their own thing. Member Martin asked if the business owners could get together with their existing survey's, discuss their properties, and come to an agreement and work things out among themselves?

The Mayor was concerned about the city being able to have the funds to take care of the road. The LOT money will dry up in eight (8) years and that isn't that far away. Boise County bought land and put in a bridge that was for the public's use. This shows that there is a prescriptive easement to use Old Crouch Road. They would not have put in a bridge to nowhere. Geoff suggested possibly getting a road engineer to look at the road and maybe we would not need a survey. The main repeating issues are road repair and snow removal. The city can adopt an Ordinance to place speed limit signs referencing Old Crouch Road and Market Street. We need to see if there is an existing Ordinance. Thor Oden was thinking that the survey was so Boise County could take back over maintenance of Old Crouch Rd. Mayor's meeting with Clay Tucker didn't go as hoped. Boise County doesn't have the manpower to wantonly take over new responsibilities. If we could come to them with details road width, what we need done our available budget, then the Mayor, Geoff and Council could go to the Commissioners. They could say we will do it, part of it and charge this much or they could reject the whole thing. Paving, snow, a good chunk is policy not legal per Geoff. Crouch and Boise County have had productive interactions, we may be able to have productive conversations with them. Tracey Raddigan asked: Boise County plows Middlefork Rd. from HWY17 to Steve M. place and the city doesn't pay for that, if they were to plow Old Crouch Rd. would they want to be paid to plow Middlefork then? Member Hefner explained that Boise County applied and got funds allotted for that stretch of Middlefork, so they are paid. Steve R said we do get about \$14,000 a year to maintain the roads. We spend about \$5000 a year on snow removal, street lighting and portable toilets. That leaves \$9000 a year which is not very much. Geoff said we need to ask how much per mile it takes to maintain a road and functionality. ITD would have those numbers. Steve R. said yes, they do. It's not cheap but could be within our budget. Member Martin asked Member Hefner what it costs for him for snow removal. He said his parking lot was \$7000. That is just a little piece as well. Thor Oden said it's about \$2.50 a foot. This would be split as a capital expense such as a new surface then

the ongoing maintenance. If the road was repaired properly the maintenance shouldn't be that much. Just the expense to get it repaired correctly first. Council's consensus is that we may have to look at other options. The estimate is on probable work which leaves it open ended. Could even run more than the \$24,150. A road engineer may be a good option. He could look at our road and guide us on how to configure things. Our road will be narrower than standard road width. We may only need a partial survey. Steve R. said we have contacted the company Thor used but they did not respond to us. Thor said he will contact (Tealey) them again. Steve R. mentioned when we try to deal with friends of friends we never get anywhere. Steve R. agrees with Geoff to go with a road engineer and see where we stand on everything, costs, and standards. Member Hefner said he remembered when Member SM painted a line down the center of Old Crouch Rd it was fairly decent, and Rob from Two Rivers agreed. Rob added that knowing where the center is very helpful. Member Hefner suggested that all the business get together, go take a look at the road and try to decide where the middle would be. Steve R. can then call HMH for their opinion whether a survey would be helpful or maybe a partial survey. Member Hefner and McAninch will get with the business owners.

Employee raises will be on next Agenda.

- (*) Pine Grove Paving- Mayor signed off on Thor Oden's Pine Grove agreement for paving the road. It has been completed.
- **Scheduled Delegations**
 - (*) Crouch/Garden Valley Museum Board Report-Nothing new to report.
- **Unscheduled Delegations**
 - (*) Clerk Report-In file
 - (*) Treasurers Report- In file
 - **Adjournment 7:51PM**

Next Regular Council Meeting is September 13th 9th, 2023 at 6:30 PM
ASTERISK (*) ITEMS ARE ALL SUBJECT TO POSSIBLE ACTION BY THE CROUCH CITY COUNCIL MEMBERS.

Trevor Schiefelbein-Mayor

Bonnie M. Horsewood-City Clerk