

October 5, 2022

APPROVED

CITY OF GRACE, IDAHO
MINUTES OF THE REGULAR MEETING
HELD AT CITY HALL
OCTOBER 5, 2022

PRESENT: Mayor: Jackie Barthlome
Council Members: Colleen Fluckiger, Larry Allen, Mike Ridenour, Kathy Tillotson
Superintendent: Riley Crookston
Clerk: Shelley Reeves

OTHERS PRESENT: Zoning Commission Member Kim Welch, Zoning Commission Chairman Dave Pristupa, Eldon Peck, Gloria Peck, Curtis Pitcher, Sherry Pitcher, Drew Wright, Matt Loertscher, Attorney Doug Wood, Charlie Miller, Sheriff Adam Mabey

Mayor Barthlome called the meeting to order at 6:00 p.m.

Councilmember Fluckiger gave the invocation.

Clerk Reeves led the Pledge of Allegiance.

Councilmember Fluckiger moved pursuant to Idaho Code §74-204 to amend the agenda to add decide on the repair of the supervisory control and data acquisition (SCADA) system due to the system not working and needing to be fixed as soon as possible. Councilmember Tillotson seconded the motion. Motion passed unanimously.

The minutes of the regular meeting held on September 21, 2022 were discussed. Motion to accept the minutes as written for 9/21/2022 was made by Councilmember Tillotson. Councilmember Fluckiger seconded the motion. Motion passed unanimously.

Bills in the amount of \$113,471.14 and payroll in the amount of \$9514.36 were reviewed for payment approval. Councilmember Allen moved that the bills be approved as reviewed. Councilmember Fluckiger seconded the motion. Motion passed unanimously.

Mayor Barthlome turned the time to Sheriff Adam Mabey. Sheriff Mabey reported that he had received a complaint about malfeasance by the mayor and a councilmember regarding city property. He spoke with Attorney Doug Wood and Mr. Wood let him know he has a conflict of interest since he is the county prosecutor and the city attorney. If the issue goes further Mr. Wood will recuse himself as the county prosecutor, have a neighboring county prosecutor cover the case, and he will represent the city. Sheriff Mabey stated that he felt the city council needed to be informed of the complaint and discuss it within the city council. He turned the matter over to the city council to review and take any necessary actions. If the city council cannot reach an agreement, then he will investigate further.

Mayor Barthlome turned the time to Curtis Pitcher and Drew Wright to discuss a stormwater issue. Mr. Pitcher stated that since Mr. Wright built his house all the stormwater is draining to Mr. Pitcher's property. He presented pictures of flooding in his yard and shed. He asked what the city can do to help fix the issue. The city has storm drains that aren't working properly that need to be addressed.

October 5, 2022

The curb along Mr. Pitcher's property also needs to be addressed. The city council will have to discuss the situation further. The issue was tabled until a future meeting.

Superintendent Crookston informed the city council that it will cost \$16,000.00 to get the SCADA system working properly. The Southeast Idaho Council of Governments is working on a grant to get the system upgraded. Councilmember Tillotson moved to approve Automation & Controls get the system working properly for \$16,000.00. Councilmember Fluckiger seconded the motion. Motion passed unanimously.

Councilmember Fluckiger moved to approve getting internet at the Wastewater Treatment Plant for \$200.00 per month. Councilmember Allen seconded the motion. Motion passed unanimously.

Councilmember Ridenour suggested the hookup fees for a first-time installation be changed to a base price with no additional fee for labor. Superintendent Crookston will get prices for all the sizes of meters and an average price for the labor. Then it will be discussed, and prices decided on at a future meeting.

Mayor Barthlome opened a discussion on the claims of improprieties among the city council and mayor. She explained that there was an article in the newspaper written by Councilmember Allen accusing Mayor Barthlome and Councilmember Ridenour of acting improperly by allowing Councilmember Ridenour to graze animals in city property around the wastewater treatment plant. Councilmember Allen also sent the letter to the Idaho Attorney General and the Association of Idaho Cities (AIC). Mayor Barthlome began by asking Councilmember Allen why he sent the letters instead of asking for the issue to be brought before the city council. Councilmember Allen responded that this was a very tough situation that he had been put in the middle of and the more he investigated the worse it got. He contacted the Idaho Attorney General and was told that anything concerning Idaho elected officials be addressed by the Sheriff's office and the County Prosecuting Attorney and he followed their advice. He felt there was a possibility that it could have been resolved in a city council meeting, but after weighing the facts he decided to publish the article and send the letters. Councilmember Tillotson asked Councilmember Allen if he talked to any of the parties involved i.e., Councilmember Ridenour, Mayor Barthlome, or Superintendent Crookston. Councilmember Allen explained that no he did not talk to those specific people, but he talked to many other people. Councilmember Tillotson asked if he thought there may be an explanation. Councilmember Allen said that during discovery of the investigation he found that there were multiple issues, first, zoning issues due to the property being in the industrial zone and animals not being allowed in the industrial zone. Second, he could not find an agreement in writing with anyone concerning grazing on city property. Councilmember Allen stated that the issue has been ignored and as elected officials there is an obligation to rectify any wrongs that are taking place. Councilmember Allen stated that he had 3 choices, one, to ignore it like many others before him, two, to address it in the manner that he did, or three, to resign. Mayor Barthlome explained that the property around the wastewater treatment plant used to be zoned agricultural and was changed to industrial in 1987 but still allowed grazing. Sometime in previous administrations it was changed once again to take grazing away in the industrial zone, but the previous administrations allowed grazing around the wastewater treatment plant to control the weeds because the city didn't have the equipment to be able to control the weeds. Councilmember Allen explained that horses don't eat weeds and that the horses have been allowed to overgraze the area. He feels that the city needs to go to the planning and zoning commission and ask for a conditional use permit to be allowed to graze in the industrial zone. Then the city needs to go through a bid or lease process to make a binding agreement that the city be held harmless if

October 5, 2022

something were to happen to the animals that are grazing on the city's property. Councilmember Tillotson stated that she respected Councilmember Allen's integrity for doing what he was sworn to do, but she felt that he threw the entire city council under the bus by approaching the issue in the way that he did. Councilmember Ridenour stated that there are things in the article that Councilmember Allen stated as facts that are not facts. First, the discussion of Councilmember Ridenour grazing his animals in the city property was not between Councilmember Ridenour and Mayor Barthlome. The discussion was had with a previous employee of the city. Councilmember Ridenour couldn't remember if he was contacted before he was elected to the city council or after. Councilmember Ridenour was approached by the previous employee and asked if he would be willing to put his horses on the property to help take care of the weeds due to the city not having the equipment or manpower to be able to keep them down. Second, Councilmember Allen stated in his article that Councilmember Ridenour had taken the liberty to install a gate to access the property. Councilmember Ridenour stated that the gate was there when he bought the property. Councilmember Ridenour stated that he only has three horses and has plenty of grazing for the three horses on his own property so there is no financial gain for him to graze on the city property. He was doing it as a service to the city. Mayor Barthlome stated that as far as the water spigot that is on the property and not metered that happened during a previous administration. It was agreed that the spigot needs to be removed or metered in the future.

Councilmember Allen also alleged in the article improprieties between Mayor Barthlome and Councilmember Ridenour when there was an opening on the city council due to a councilmember moving away. Councilmember Ridenour had run for city council in the previous election but was not elected. Mayor Barthlome appointed Councilmember Ridenour to fill the vacancy. Councilmember Allen stated in the article that this was not the will of the people, that the people had voted him out. Mayor Barthlome stated that when the vacancy came open, she contacted the AIC and asked for their advice, and she was told that the mayor has the authority to appoint someone to the position. She looked at the previous election and Councilmember Ridenour was the only other person that ran for the position, so she felt that he was interested in serving on the city council. The city council at the time voted to approve Councilmember Ridenour to fill the vacancy.

Mayor Barthlome opened the discussion to anyone with any other comments. Councilmember Fluckiger stated that she felt that the city needs an agreement in place to protect the city and changes need to be made through the planning and zoning to ensure that the city follows the rules that the city enforces. Eldon Peck stated that as a city councilmember for 12 years he was never aware of the horses grazing on the city property and that it was never brought to the council to allow someone to graze on the property. He stated that the city superintendent does not have the authority to allow someone to graze on city property. Mayor Barthlome stated that there had been horses grazing on that property since the early 1970's when her father was approached to put his horses on the property. Councilmember Ridenour stated that there were horses on the property before he put his horses on the property. Gloria Peck asked why the grazing of the property wasn't offered to anyone else. Attorney Wood stated that Councilmember Allen had stated that he had consulted with legal counsel. Attorney Wood asked Councilmember Allen if he was the legal counsel he had consulted with. Councilmember Allen stated no he had consulted with Attorney Wood. Attorney Wood asked him what legal counsel he had consulted with. Councilmember Allen stated the Attorney General and Kelly Packer at AIC. She explained to him that the AIC isn't an oversight organization but a training organization. Attorney Wood asked Councilmember Allen if in the last few months during his investigation if he taken the time to contact him. Councilmember Allen stated no he hadn't. Attorney Wood reiterated the fact that the Attorney General is not the authority over city civil matters.

October 5, 2022

Attorney Wood stated that when he was contacted by Sheriff Mabey about the issues that he had already been contacted by Mayor Barthlome and that he would be representing the city, and would not be representing the county, but he could not see any criminal actions, according to state statute, that had taken place. Attorney Wood stated that the city has the authority to lease property and that Councilmember Allen had brought up some good points that the city did need to address and get agreements in place. Attorney Wood stated that some more homework is needed to be done to see if the property is subject to a grandfather clause. Attorney Wood stated that as far as the appointment authority of the mayor that a vote for one person doesn't necessarily mean a vote against someone else and the mayor was well within her rights to appoint Councilmember Ridenour to the vacancy. Attorney Wood stated that his biggest issue was the fact that Councilmember Allen had not brought this issue to the attention of the city council before publishing the article in the newspaper causing trust issues within the city council. He suggested that if any councilmember has an issue of suspected malfeasance or improprieties that they bring it to the city council so that the council can fix the problem.

Superintendent Crookston reported that well #1 is up and running and communicating with the tanks. The tests on well #1 came back good. Pumpco will be here in about three weeks to check well #3 and do repairs so that we don't end up in the same situation as we were with well #1. The booster station is not running correctly and hasn't been for quite some time. The check valves need to be fixed. There was some miscommunication with Aeration Industries about what needed to be done before the aerator could be installed. The employees are working on getting the sweeper running. One of the new snowplows is set up and ready. The other will be ready after they get the plow mounted.

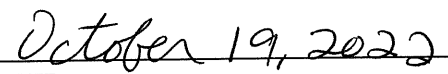
Mayor Barthlome let the city council know that some weed letters had been sent and if the city council sees any properties that need a letter sent to let Clerk Reeves know and she will send the letter.

Mayor Barthlome read a thank you card from the Black Canyon Elementary PTO thanking the city for their help with the color run.

Meeting adjourned at 7:40 p.m.


CLERK


MAYOR


DATE