

Minutes
City of Mackay
Regular Meeting of the City Council
Tuesday, November 22, 2022

CALL TO ORDER

Wayne Olsen, Mayor called the meeting to order at 6:00p.m. Recited the pledge of allegiance.

ROLL CALL

Wayne Olsen, Mike Foster, Greg Blackwell, Richard Mangum, and Michelle Teninty. Council member Wall is out ill.

RECOGNITION OF VISITORS

Mike Evans, Bob Bagley, Jesse Cecil, Al Krouse, Justin Kraczek, Teresa & Craig Wornek

At this time, and council has authorized me to turn some time over to visitors who are not on the agenda to address the council, so if there be anybody here that fits in that category, if you're on the agenda we'll get to you. If you're not step up, state your name and address the council. There are none.

EVENT FEES

Al Krouse started, please keep in mind that a long-range approach, the City will make money out of these events through the 3% tax. The more events we have, the more money at resort tax is very successful. Art festivals, antique shows, ice fishing competition, all of this to bring in more money by bringing in more tourists. Also, Mr. Mayor, I had a question of clarification for you. Before the last Council meeting, I had asked the clerks to be on the agenda. I specifically asked what the time limit is. Vicki said, there is no limit but be reasonable, you can't go on forever. When it came time to speak, you allowed me three minutes, is that a standard thing?

Mayor Olsen replied, I am empowered to regulate the meeting and to control the meeting. Normally, if you're on the agenda, we ask that you be as brief as possible because sometimes there's a lot of stuff on the agenda. If you're just addressing the Council at the beginning, like I said it's three minutes. Whereas the normal limit if you're on the agenda is roughly 10 to 15.

PLOWING PRIVATE STREETS

Justin Kraczek came forward and said, I just wanted to take a minute and discuss the streets over by the school that new subdivision Burnett and Trego Court. This is really the first year that people have lived there through the winter, so I don't think it's ever really been addressed before. Those streets are currently not being plowed. And that makes sense if nobody lives there through the winter, you don't want to waste time and money. However, now, there's some people living over there. When the first snow hit, and it wasn't plowed, I gave it a couple of days, and then I came talk to Vicki and Chardon with the City. Chardon said that he was informed not to plow it, because it was a private road. And that was the first that I'd ever heard that it's a private road with purchasing the property over there. I've done a little bit of research and in the covenants, conditions and restrictions that were assigned when that subdivision was built. It does have a paragraph that says common areas, roads, water systems and sewer systems will be owned and maintained by the City of Mackay. I would like to humbly ask that those roads be put back on the system as my understanding from the documentation that those are City of Mackay roads.

Mayor Olsen replied that ordinances and covenants are between the property buyer and seller. And the City has nothing to do with that. The City is not bound by any conditions and covenants. We have other private driveways in the City that we do not plow. We do not plow those because they do not meet the standard or the required width for a street when the subdivision was approved to be put in there. The streets were an extension off of Pine Street. They were not to be put in off of Spruce. This way it was put in now was never approved. We have discussed this with developer, and he has tried to get us some documentation. He is still the owner of that subdivision. And if you have a problem with it, you need to take it up with Mr. Krosch. Those covenants are not enforceable by the City.

Councilman Foster asked, wasn't this about a year ago or couple years ago we've had this discussion with Kelvin? To the Council's best understanding the way it was built, wasn't what was approved. Now it's kind of a dilemma, because now those slots have been sold and houses built.

Mayor Olsen added, not only that, but we have never seen any documentation for Mr. Krosch asking us to take ownership of that. He does own a majority of the lots.

Mr. Kraczek asked, what's the City minimum for the width of the road?

Mayor Olsen answered, 60 feet. We also said do not put in a cul-de-sac because we have no place to put the snow, it's a dead-end push, all the snow will have to be plowed up and hauled out. That's very difficult to do, it's very time consuming, and we've got a lot of other streets to plow out. That's why Chardon was told not to plow those streets, they don't belong to us, I'm sorry.

Jeff Kraczek asked, why can you say you provided sewer and water under a road that isn't yours that makes no sense.

Mayor Olsen replied, they need to have some documentation stating that. Yes, the City will provide them with sewer and water. And that's all it's been signed.

Justin Kraczek continued, I think you're going to be hearing about this, we need to solve this the right way.

Mr. Olsen said, Mr. Wall is the one that usually handles City streets. So, I would let the Council speak and address it.

Councilman Blackwell stated, there is a process that we go through, we've gone through it on several other developments. They provide us with a print that shows what they want to do, and we'll go through, and we'll tell them now that road isn't wide enough due to these issues, or you can't park on it or that they have to take it back and they redo it. Now once they redo it, we approve it. But if it isn't built that way, we can't take ownership of it. That's the case with this one. Your recourse would have to be with the developer of the property or who owns that property as of now,

Councilman Foster asked, the plat shows that it's a 60-foot-wide road? Has anybody measured the road? It might be worthwhile.

Mr., Kraczek said, I understand things are limited. But, you know, I just think it's important for the services for the people living there for, you know, just the goodwill of the City.

Mayor Olsen replied, we can't put our trucks on private property, because of the liability. If we go down that street and hit a car or something like that, the City's liable for that, especially when we're not authorized and had no business being on that street.

Mr. Kraczek asked, did you mention that Kelvin owns the street? There is no survey ownership of those.

Mayor Olsen replied, I think you need to go back to your realtor, and to Mr. Krosch, It can't be accepted by the City the way it is now, because it wasn't put in the way it was approved. With that in mind, there's got to be some kind of an agreement between the City, if they even decide to accept that and you may go through the property owner, as far as the streets are concerned and how those are going to be maintained. That's Mr. Krosch's and he knows that. He plowed them last year.

LRED

Mayor Olsen asked, before you begin, is there anything new on this?

Mr. Evans answered, most of this is new, its updates to stuff I've talked about before.

Mayor Olsen replied, I see the reservoirs on here again and I don't see anything new there. Can you give the council a minute to look at that and see if there's anything they have questions about? Richard, have you attended any of their meetings?

Councilman Mangum said, yes, last week.

Mayor Olsen asked, are there any questions for Mike? No? Mike, the floor is yours.

Mr. Evans said, I don't know if you guys have heard that there's a pursuit, take the Rodeo to PCA status. I'm working with Kevin and Dana and the team. It's in the infancy stage, but they need all the help they can get. I think we'd be agreeable to writing a letter of support for that. The theater has some historic value. They're talking about maybe making a nonprofit and going historic and so working on that. We've got some directions as far as picking the ATV maps, digitize them getting them online.

WATER USAGE PURCHASES

Councilman Foster stated, Councilman Wall read in the Challis Messenger, a discussion about the calcium mine below town. Apparently, the Commissioners are concerned about some things down there. In the article, it inferred that they had almost reached an agreement with Mackay regarding some water needs that they had with the town of Mackay. I don't know if they're using it for dust abatement, or what the deal is. And I haven't read the article so I can't offer much. Dean was concerned about reading the paper and not knowing about the water. If there was any agreement going on, which you know how newspapers are at times. And then also concerned about us really having the volume to be offering any additional water for sale.

Mayor Olsen asked the Councilmen, have any of you've made an agreement with the US Calcium?

Councilman Blackwell replied, they haven't come to us, or a meeting at all. We have never seen them.

Mayor Olsen added, at one time we did discuss if we could do a swap with discharge from the sewer lagoons, in exchange for some of their aggregate, but we found out that that would need a land application permit and so we said, no, we're not going to play in that arena.

ELECTRIC BILL SAVINGS

Clerk Teninty started, the bill in August was \$3,362.54 and then bill in September was \$1,813.53. You can see the difference on the detail. It's the electricity for pumping City water

Mayor Olsen continued, so we cut it in half roughly, because the SCADA system allows us to run the pumps when they need to be and they don't have to be on all the time. So that system is going to pay for itself very quickly

Councilman Blackwell added, I had the privilege of talking to our water engineer too, when he was here last week, and he seemed really excited about the SCADA system. We talked a lot about a few of the things that he was looking into, so we're hopeful that we're going to be able to get going on some of these projects soon.

BUILDING PERMITS

Mayor Olsen asked, are there any building permits that we have seen?

Clerk Teninty replied, no. There are a couple of them but they haven't gone to Planning and Zoning yet.

STAFF CHRISTMAS BONUSES

Mayor Olsen said I would like authorization to give each member of the staff a \$500 each Christmas bonus for a job well done. This is what we've done in the past nine years.

Councilman Foster made a motion to approve, Councilman Mangum seconded, approved unanimously.

MAYORS REPORT

Mayor Olsen started, the first thing on my list is our City Clerk. In hiring agreement, we agreed to give our City Clerk the raise of 3% that she didn't get when everybody else got theirs, after her probationary period. She hasn't been here six months, but I am very satisfied with her work. I don't think it's took her six months to figure out what she had to do and she's going above and beyond what is being asked of her by the Council and by me. so I would like to give her, her 3% raise effective with the next paycheck.

Councilman Blackwell made a motion to approve the 3% raise, Councilman Mangum seconded, approved unanimously.

I asked Michelle to take a look and see if we had any information back from CHC on the request for I think it was \$14,000 and some dollars for playground equipment. We've got about \$30,000 in our account.

We also got a check from LHTAC for \$30,000 for replacement of signage, we talked about that this morning about how we're going to replace City street signs. That's our first priority.

We are probably going to get some hate and discontent letters from DEQ because of the cold snap that smacked our ponds down at the sewer and didn't give us a chance to gradually go from summer to winter. So, the crew are concerned with that.

Did the broom get delivered today?

Clerk Teninty replied, I think it did, Vicki said she saw it and Duane said they received it.

Mayor Olsen continued; Christmas decorations went up today. The crew were working with Lost River Electric to get those up today, so they will be ready for the festival.

We have new software for recordings and being able to put out the meeting minutes. So that will be very helpful.

We're saving on postage with the postage machine. So, every little bit helps. It does save three cents a stamp. We send out 400 and some water bills a month.

Councilman Blackwell asked, where are we sitting with the lift station, overland Smelter? Are we waiting on additional information, or do we need to have another meeting?

Mayor Olsen answered, I've provided you with the information that Michelle got. You guys are going to have to make the decision. I don't know that we need another meeting. We drew a line in the sand when we sent that original letter to the past property owner. The current owners are arguing that the original intent was to divide the property into four parcels and the lift station would service everyone. Well, in 20-30 years, it hasn't happened.

Councilman Foster stated, with all due respect, I thought we made a commitment to the current property owners to have a working meeting with the information they had, which they provided. We informally told them you need to go talk to the County.

Councilman Blackwell said, I think the fair thing to do would be probably call John, and ask him if he's received additional information, see if he is actually ready for a meeting. So, I'll call him, and I'll let you know.

Councilman Mangum stated, the Custer County Sheriff's Department is going to have a float in the Winter Festival parade, and Stu reported that their officer will probably be busy as far as cutting across the highway. He said, If you could contact Randy or somebody that could block that off with the fire truck.

Councilman Foster made a motion to adjourn the meeting and Councilman Blackwell seconded. Motion approved unanimously.

Meeting adjourned at 6:59 pm

Wayne Olsen
2-14-23

M. Teninty
2/14/23

