

**CITY OF NOTUS PUBLIC HEARING
AND CITY COUNCIL MEETING MINUTES
January 18, 2022 @ 7:00PM
at Notus City Hall, 375 Notus Rd, Notus, ID, 83656**

1. Meeting Called to Order

Meeting was called to order at 7:03 pm by Mayor David Porterfield.

2. Roll Call

Roll call was taken with the following results: Councilwomen Michelle DeGiorgio and Bonnie Emly, present. Council President, Steve Ahlborn and councilman, Devin Krasowski, present. Mayor, David Porterfield, City Attorney, Maren Ericson, City Engineers Mike Woodworth and Stuart Hurley and City Planner, Antonio Conti also present. Tina Wilson attended by speaker phone.

3. Pledge of Allegiance

4. Approval of Amended Agenda. ACTION ITEM

Ahlborn motioned to approve the amended agenda adding "Action Item" to item 8.7. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, DeGiorgio; yes, Emly; yes. Motion carried.

5. Public Hearing for the purpose of reviewing and considering a Land Use Map Amendment within the Comprehensive Plan.

5.1 Mayor opens Public Hearing

Mayor opens public hearing.

5.2 Verification by City Clerk that Public Hearing was correctly advertised

City Clerk Loretta Vollmer verified that the public hearing was correctly advertised.

5.3 Review of Proposed Land Use Map Amendment

City Planner, Antonio Conti reviewed the proposed land use map. This is not a zoning map. It is a general idea of what the City may look like.

5.4 Written Correspondence Submitted for the Record

NONE

5.5 Public Testimony from those in Support

James Gibson from 4414 Lincoln, Caldwell, was recognized by the Mayor. He wondered why his property was identified as "Public". Antonio stated that since it was the area between the City's sewer lagoons, it seemed reasonable that it would be a potential expansion area for another lagoon, but it could be zoned differently.

5.6 Public Testimony from those Neutral

NONE

5.7 Public Testimony from those Opposed

NONE

5.8 Comments from Mayor and Council

Mayor commented that this is trying to find a balance of residential land VS Commercial/Industrial land. Income comes from Commercial and Industrial but Commercial won't come without more rooftops.

5.9 Mayor closes Public Hearing

Mayor closes public hearing.

6. Consent Agenda, Action Items

6.1 Disbursement List

Krasowski motioned to pay the disbursements as presented for \$2,146.55. Emly seconded. Roll call was taken with the following results: Krasowski; yes, Emly; yes, Ahlborn; yes, DeGiorgio; yes. Motion carried.

6.2 Council Meeting Minutes

On the minutes from 12-6-21, DeGiorgio disputes the description of "slamming binder shut and abruptly leaves....." She believes she didn't make any noise and left a quickly as she could because she couldn't breathe. Krasowski motioned to approve the meeting minutes from 12-6-21 and 12-15-21. Ahlborn seconded. Discussion. Ahlborn commented that he had previously voted no so that it could be reviewed to what the recording reflected. We could go back, and all listen to it but he has faith that the meeting minutes reflect what happened. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, Emly; yes, DeGiorgio; no. Motion carried.

6.3 Committee Meeting Minutes: Library, Community Events

NONE

7. Staff /Professionals Reports

7.1 Treasurer

Treasurer, Marie Eilers commented on a question asked by DeGiorgio a few meetings ago. The City fee/membership with the National surplus that was expired is really of no value to the City. Hattie from the Idaho Surplus said there is no benefit for membership and that they can spend the money any way they want. We get more from the local Idaho Surplus. Marie also stated that the W2's have been completed.

7.2 Public Works

NONE

7.3 Law Enforcement

Report reflects approx. 37 hours spent in Notus on various items. DeGiorgio would like to see more details on the report like addresses and names and the results. Who is the wanted person and did they catch the person that fired a shot?

8. Business

8.1 FY 20-21 Auditor Report, Zwygart John & Associates, ACTION ITEM

Jordan Zwygart reviewed the audit report with Council. As a normal procedure they called a council member to see if there were any problems. None were mentioned. The documents they reviewed were correct. No compliance issues were found. Internal controls in place are appropriate in the circumstances for the purpose of expressing their opinion on the financial statements. Ahlborn motioned to accept the FY 20-21 audit report. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, DeGiorgio; yes, Eml; yes. Motion Carried.

8.2 Approval of Proposed Land Use Map, ACTION ITEM

DeGiorgio motioned to approve the land use map. Krasowski seconded. Roll call was taken with the following results: DeGiorgio; yes, Krasowski; yes, Ahlborn; yes. Eml; yes. Motion carried.

8.3 Resolution Adopting Land Use Map, Proposed #22-1, ACTION ITEM

Ahlborn motioned to approve Resolution #22-1, adopting the land use map as presented. Eml seconded. Roll call was taken with the following results: Ahlborn; yes, Eml; yes, DeGiorgio; yes, Krasowski; yes. Motion carried.

8.4 Water Facility Plan progress, Discussion

Mike Woodworth from Mountain Waterworks stated that we don't have an active redundant water source. The water tower has been used in the past. Well #2 has not been regularly used for a significant amount of time. A current sample is ok but is on the higher side of arsenic. To rehab well #2 estimate would be about \$620,000. Or to drill a new well and new well house would be estimated at \$1,257,500. At the next meeting Council will review the Water Facility plan draft as DEQ reviews it for technicalities.

8.5 Wastewater/Fire Flow Task Order, Mountain Waterworks, ACTION ITEM

Stuart Hurley from Mountain Waterworks stated that for wastewater capacity, he wants to review current flow data to confirm the estimates from 2016 of population of 920 people. He will get the treatment, BOD, TSS and ammonia data from Public Works Supervisor, Tyler Martin. Mayor asked if the water facility plan was site specific or the system as a whole? Response was that is for the whole system but he wants to review the current data to confirm. Mayor commented that the task order seems to be duplicated. Shouldn't fire flow data part of the current facility plan? Shouldn't this part of a future developers cost to pay for? He feels this task order might be too early in the game at this point. Krasowski commented "lets get the timing right so any future developer pays for this task. Mayor agreed that this needs to be held until we get a future developer's application.

8.6 Council Code of Conduct Ordinance Draft, Discussion

DeGiorgio stated that asking for excused absence looks like council are children asking for permission. She feels this (ordinance) is not a good thing. Feels it is unfair and unjust. Ahlborn commented it is unfortunate but that we need one. We usually attend meetings virtually (web) or by speaker phone. Everyone has other obligations too. These absences affect all of us (staff, Council). It's the manner in which those things occur, that this ordinance would protect. DeGiorgio asked that this be extended beyond Council people to the Mayor and Attorney and Engineers and Clerks. Ahlborn stated no, if we don't like what they do, we can fire them. Mayor pointed out that it could include him since it states, "elected Officials". DeGiorgio commented that (attendance) must be in your best interest as well. If your sick or anxiety gets so high that you feel your having a heart attack, then she doesn't feel as if any Council person should be held to a

fine of \$50, \$100 or \$1000 or whatever because of that. Ahlborn stated that he understands that if there is medical things that happen, because of things or trigger things, is this the best place for that Council member? DeGiorgio stated that is up to the constituents. Mayor stated that to try to promote best service to the community as we can as elected officials. Maybe add wording "habitually absent without reason" that introduces the concept of negligence, reasonable expectations of Council. Consequences.... First letter of concern, Letter of reprimand. City Attorney Maren Ericson stated that this needs to be simple and use reasonable standards. To address the concerns raised the use of the word MAY and not SHALL gives the Council options for reprimand. Mayor commented that the word "permission" is to "be made aware of the absence", not really for approval of the absence. No decision.

CLERK NOTE** Mayor asked for motion to go into Executive session before topic 8.7 is discussed. See topic 9.

8.7 Revocation of quitclaim directive, ACTION ITEM

Mayor made a declaration of conflict of interest since his son is married to a member of the Goodson family. As such he will not take part in any discussion or decision on this topic. Krasowski motioned to not revoke the quitclaim directive. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; no, Emly; yes. Motion carried.

9. Executive Session: (Idaho Code 74-206 (1) (b,c); (b) To consider the evaluation, dismissal or disciplining of, to hear complaints or changes brought against, a public officer, employee, staff member or individual agent, or public-school student. (c) To acquire an interest in real property which is not owned by a public agency.

Ahlborn motioned to go into Executive Session: (Idaho Code 74-206 (1) (b,c); (b) To consider the evaluation, dismissal or disciplining of, to hear complaints or changes brought against, a public officer, employee, staff member or individual agent, or public-school student. (c) To acquire an interest in real property which is not owned by a public agency at 9:30 pm. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; yes, Krasowski; yes. Motion carried.

DeGiorgio motioned out of Executive Session at 9:56 pm. Krasowski seconded. Roll call was taken with the following results: DeGiorgio; yes, Krasowski; yes, Ahlborn; yes, Emly; yes. Motion carried.

CLERK NOTE** Return to topic 8.7.

10. Mayor & Council Comment

DeGiorgio commented that there is a crack opening up and starting to sink near her shop/residence on Notus road. She indicated that she told the mayor in 2017 and again a year later when a power pole near the alley started to show evidence of a sink hole at the base. It has since been filled in but is sinking again. The water meters are sunken in that area as well. She has taken pictures. Mayor stated that he listened to her in 2017 and that is why City has applied for and received a COMPASS planning grant to get Notus road repaired and improved. That is all part of the City infrastructure project.

11. Adjournment

DeGiorgio motioned to adjourn at 10:05pm. Ahlborn seconded. All in favor. Motion carried.

Respectfully submitted by Loretta Vollmer, City Clerk _____

Approved by David Porterfield, Mayor _____