

NOTUS CITY COUNCIL MEETING MINUTES

Regular Session: Monday, January 3rd, 2022

7:00 pm @ Notus City Hall

375 Notus Road, Notus, ID 83656

SOCIAL DISTANCING PROTOCOL IN PLACE:

1. Meeting Called to Order

Meeting was called to order at 7:04 pm by Mayor David Porterfield.

2. Roll Call

Roll call was taken with the following results: Councilwomen Michelle DeGiorgio and Bonnie Emly, present. Councilmen, Steve Ahlborn, and Devin Krasowski, present. Mayor, David Porterfield, City Attorney, Joe Borton, Public Works Supervisor, Tyler Martin, and City Planner, Antonio Conti also present. Tina Wilson and Mountain Waterworks Engineer, Mike Woodworth attended by computer.

3. Pledge of Allegiance

4. Public Concerns/Comments, limited to 3 minutes each

Randall Taylor of 348 Elgin was recognized by the Mayor to speak. Mr. Taylor stated that in the meeting minutes for 12-6-2021 there is no mention of the items he brought up on lot 21 of the Kremmwood subdivision or the conflict of interest. Also, He commented that the mention of Councilwomen DeGiorgio being "loud, abrupt" as she left is not what he remembers other than the City Clerk chastising her as she left. Also stated that there was no mention of his request to speak in the minutes from 12-15-21 in which he believes his request was denied. (***CLERK NOTE*** There was no public comment period listed on the 12-15-21 agenda) He believes Council needs to address lot 21 issues.

5. Consent Agenda, ACTION ITEMS

5.1 Disbursement List

Krasowski motioned to approve the disbursements as listed. Ahlborn seconded. Krasowski questioned the VisionMS office software annual billing. Discussion. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; yes, Emly; yes. Motion carried.

5.2 Council Meeting Minutes

DeGiorgio objected to the meeting minutes of 12-6-21 reflecting her "loud, abrupt exit". Stated she couldn't seem to take a breath and was told later it was an anxiety attack. She stated she felt like there was a lot of darkness and inequity that was happening that caused the anxiety attack. Krasowski motioned to approve the meeting minutes from 12-6-21 and 12-15-21. Emly seconded. Roll call was taken with the following results: Krasowski; yes, Emly; yes, DeGiorgio; no, Ahlborn; no. Tie vote. Mayor vote: no. Motion denied. City Clerk will review audio and add more details.

5.3 Committee Meeting Minutes: Library, Community Events

NONE

6. Special Business

6.1 Swearing In of Elected Mayor

City Clerk, Loretta Vollmer, gave oath of office to elected Mayor, David Porterfield. Mayor is seated.

6.2 Swearing In of Elected Councilmembers

City Clerk gave oath of office to elected Council members, Devin Krasowski for a 2-year term and to Steve Ahlborn and Bonnie Emly, both 4-year terms. Elected Council is seated.

6.3 Election of Council President, ACTION ITEM

Krasowski motioned to elect Steve Ahlborn for Council President. DeGiorgio stated she would like to do it, if Emly wasn't going to. Discussion. Emly seconded motion. Roll call was taken with the following results: Krasowski; yes, Emly; yes DeGiorgio; no, Ahlborn; yes. Motion carried.

7. Business Items

7.1 Staff Training, Joe Borton

City attorney, Joe Borton reviewed with Council the *AIC Newly Elected Manual*. The manual highlights the Council and Mayor duties, budgeting basics, ordinances, and land use. When in doubt, call City Clerk or Attorney and ask. Joe stated that a big one for us right now will be land use. As soon as a completed application is submitted to the City Council and Mayor are judges. They must stay neutral. Discussion on topics that will be coming before Council for decisions are not allowed outside of open meeting. ALL land use discussions must take place in an open meeting. If a discussion has taken place, it must be disclosed in open meeting and the member **MAY** have to recuse themselves from the topic discussion and or decision vote. If rules are not followed, decisions can be thrown out for judicial review and the whole process starts over. He also stated that a council meeting is a meeting in public, not a public meeting. Public commentary is not required. Public comment topic on an agenda is not mandatory but it is an option. Topics not on an agenda cannot be discussed. The topic can be brought back on another meeting agenda for discussion or decision. Items on the agenda let others know what is being discussed so they can attend the meeting if they so desire. Council can have a one-on-one conversation with residents on legislative matter just not on items that will have a public hearing like a land use application.

7.2 Library Board Member Approval, ACTION ITEM

DeGiorgio motioned to approve the new Library Board member, Ann Erslund. Krasowski seconded. Roll call was taken with the following results: DeGiorgio; yes, Krasowski; yes, Emly; yes, Ahlborn; yes. Motion carried.

7.3 Staff Holiday bonus, ACTION ITEM

Emly motioned to give the 5 City staff members a late holiday \$100 bonus, including Librarian. Krasowski seconded. Roll call was taken with the following results: Emly; yes, Krasowski; yes, DeGiorgio; yes, Ahlborn; yes. Motion carried.

7.4 Wastewater & Water System Maintenance and Updates

A. Facility Plans Update and Issues, Discussion

Mayor stated that staff and City professionals had a meeting about water/wastewater availability for future growth and the water Facility plan. Currently there is no complete land use applications submitted to the City. Water Items that need attention is standby power with auto transfer and a redundant water source. The existing generator is capable of running the system but doesn't meet the drinking water rules from the standpoint of not having an automatic transfer switch. If we lose power the time to get it up and running could cause us to lose pressure, which could lead to a health hazard. Perhaps drill a new well or look at improvements to well #2 and pump. (Not tower, it's a separate topic) IDEQ has well #2 listed as our approved redundant source although it is not up to today's standards. The well is shallow, and the aquifer has natural occurrence of arsenic, increasing and currently tests at 80-85% of the mcl on arsenic. It is still within the normal range for consumption. Council needs to think about pros and cons of connecting well #2 or drilling a new well. Pros is reconnecting well #2 is the least cost option. The pros of drilling a new well is long term water quality. Long term water quality is one of our concerns for a "will serve letter". The other concern is the automatic transfer switch on the booster station and generator. Mike Johnson from Control Engineers has had 2 bid submissions for the updates they suggested. Those are soft starts on two of the three booster and new generator with concrete pad and replace a quality control meter. Estimates run about \$165,400.00. If Council would like to proceed with that, he will let Mike Johnson know. Wastewater system appears to be able to support about 100-150 new connections. Mountain Waterworks wants to review the current influent/effluent data for confirmation.

B. Well #2 System & Pump Maintenance, ACTION ITEM

Tyler stated that he had estimates from last year for a new pump and motor of about \$12,000, worst case scenario was \$36,000. He will get updated numbers. The building will need to be rebuilt due to age and to be able to access the pump. It's in bad shape. Will need VFD installed. Chemical treatment will also need to be added. Altitude valve needs replaced as well. Krasowski asked what is out of compliance with well #2. The Tower is not connected to well #2. The well is connected to the tower, tower is hard piped to the system, but the altitude valve is shut off that allows the tower to connect into the system. If you open the valve, it is connected. That valve needs to be rebuilt or replaced. This issue needs to be addressed to get the will serve letter.

Krasowski asked what is the bare minimum needed for that well and it sounds like fix the altitude valve? Antonio Conti suggested the quickest way to do this is to put a piece of pipe from your well to the water system (bypass the tower). The alternative is a new well at 1.2 million. In the long run we are going to need a new well because this one is too shallow. But to be up, running, and compliant with DEQ regulations if we get this well online, were DEQ compliant. Mike Woodworth stated he believes that even if we get current #2 well updated, there is still a risk because the arsenic level rising and we may need a new well in as little as two years, worst case scenario. New well could be on the same site as well #2 but would need to have a main storage tank of 180,000 gallons for fire flow. Water tower tank has 100,000-gallon capacity. So the tank at well #4 would have to be used as the primary storage. Mayor clarifies that well #2 has not been in use for quite some time. Well #4 has been supplying the water in the tower. Tower was supporting the water system at a lower demand time to allow well #4 to rest. The altitude valve is one of the problems for getting that tower back in use. Ground tank would provide the fire flow.

C. Water Booster Station VFDs and Standby Power, ACTION ITEM

Tyler stated that what we need right now is the VFD's and standby power. He is concerned about the fire flow. He suggested that we fix what we can now. It all doesn't have to be at once. That way we spread out the costs. We could rehab well #2 with VFD then the backup power and transfer switch. Mike Woodworth will get costs for getting well #2 back online VS drilling a new well/storage tank.

7.5 Compensation Agreement for Substitute Sewer Operator, Doug Amick, ACTION ITEM

Tyler spoke with Doug today. Doug has not yet looked at the agreement Mayor sent over. Hourly rate would be \$25.00. Doug has agreed to be our back up operator after Tyler gets his license. Doug has some equipment that may help with the maintenance required at the lagoons.

CLERK NOTE* Returned to 7.5 from 7.6.

Stating since this is an action item, Krasowski motioned to add hourly cost of \$25.00 per hour compensation to the agreement for the substitute sewer operator and approve agreement. Emly seconded. Roll call was taken with the following results: Krasowski; yes, Emly; yes, DeGiorgio; no. Ahlborn; yes. Motion carried.

CLERK NOTE* now back to 7.7.

7.6 Review Land Use Map, Discussion

City Planner Antonio Conti handed out updated maps for Council review. The public hearing is scheduled for January 18, 2022, at 7:00 pm. Noted that the "area of impact" goes beyond City limits boundary.

CLERK NOTE* Councilman Krasowski requested to return to item 7.5. Mayor agreed.

7.7 Tractor Repair-Replacement, ACTION ITEM

Public Works Supervisor, Tyler Martin stated that the old tractor needs a replacement carburetor kit/part for about \$500.00. Tractor is underpowered, no cab, and very old. He can do the work on the carburetor but would need to get the right tools. Ahlborn asked for cost comparisons of new and used tractor from state surplus/auction. DeGiorgio suggested a tractor with backhoe attachment and front bucket.

7.8 Council Code of Conduct Ordinance draft, Discussion

City Attorney, Joe Borton stated that Idaho Code allows Council to do this. This allows for some structure on how to insure attendance. It could be an infraction or a misdemeanor if Council so chooses. Mayor will review current code definitions for clarification.

DeGiorgio stated she is willing to pay \$50 every meeting if she had to when she feels inequities are going on and if her medical makes her leave, then that is what she will do because she takes seriously her position. Ahlborn commented then we may need do something different than \$50 then. DeGiorgio commented maybe it should be \$1000. Attorney stated that if any Council members leaves because they disagree with a decision or action, that is 100% improper. Krasowski commented that if someone has something going on and needs to request some sort of reasonable accommodations that will help them stay then, we want to do that. But if it is just when conflict arises and they don't agree and that can happen every other meeting, then what are they doing here? Are there some accommodations we can make or is it conflict that makes them leave? City Attorney will work on language and more definition for

an excused absence. This is not about anyone in particular. DeGiorgio asked if there was going to be language for when an acting Mayor doesn't give all the literature and documentation that supports a particular decision, whether is a contract or whatever it may be. Attorney states that is off topic of the agenda item for discussion, as such should not be discussed. DeGiorgio commented that if we are going to set this up and other cities will want it, then lets really go big and expect the Mayor to... Ahlborn interrupted commented that "your still going to say it anyways... (off agenda topic item that should not be discussed). DeGiorgio replied, yes. Discussion. Attorney will work on more definitions and language.

8. **Mayor & Council Comment**

Emily stated she would like to thank the Mayor and Cleve Clucas for clearing the snow.

9. **Adjournment**

DeGiorgio motioned to adjourn at 10:01 pm. Krasowski seconded. Voice vote. All in favor. Motion carried.

Respectfully submitted by Loretta Vollmer, City Clerk _____

Approved by David Porterfield, Mayor _____