

CITY COUNCIL MEETING MINUTES
Regular Session: **Monday, October 15, 2018**
@ 7:00PM at Notus City Hall

1. Meeting Called to Order

Meeting 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 Mo Shamseldin, present. Councilman Clint Berends attended by speaker phone. Mayor David Porterfield and Attorney Todd Lakey also present.

3. Pledge of Allegiance

4. Public Concerns, Comments

NONE

5. Consent Agenda, Action Items

5.1 Disbursement List

Shamseldin motioned to pay the disbursements as presented except R2L2 and Fewkes Fiddling for the harvest festival until Events Committee supplies entertainment contract agreements, then pay them. DeGiorgio seconded. Roll call was taken with the following results: Shamseldin; yes, DeGiorgio; yes, Berends; abstain. Motion passed.

5.2 Council Meeting Minutes

DeGiorgio motioned to approve council meeting minutes from Oct. 1st, 2018 as written. Shamseldin seconded. Roll call was taken with the following results: DeGiorgio; yes, Shamseldin; yes, Berends; abstain. Motion passed.

5.3 Committee Meeting Minutes: Library, Community Events

Shamseldin motioned to accept Community Events Committee meeting minutes from 9-17, 9-24, 10-1, and 10-8, 2018. DeGiorgio seconded. Roll call was taken with the following results: Shamseldin; yes, DeGiorgio; yes, Berends; abstain. Motion passed.

6. Staff Reports

6.1 Public Works

NONE

6.2 Library Liaison

NONE

6.3 Treasurer

Marie commented that she is working on audit prep that is scheduled for November 7th and 8th. She thanked Council for allowing office staff to attend the ICCTFOA Conference. It was very informative.

7. Professional's Reports

7.1 Wastewater

Mayor stated that Amber McCloud from IDEQ compliance division performed inspection of the wastewater system. Her inspection found that there is some required reports that need to be filed yet. These type of inspections, usually happen every 4-5 years.

7.2 Engineer

Stuart reported that the work at the lagoons continues. The building (to house the disinfection system) concrete pad and ground prep is being completed. He will have an updated construction schedule to share soon.

7.3 Crestline Engineers

Greg Tankersley shared that they will be attending the Lhtac training being held in Donnelly and Boise. He wants to meet with City after that to discuss the grant options that are available and the applications process.

8. Business, Action Items

8.1 Adoption of Resolution (proposed # 18-6) Authorizing Issuance and Providing for the Sale of the City's Wastewater System Bond Anticipation Note, 2018 and Approval of Commitment Terms

Chelsea Porter from Hawley Troxell reviewed the Bond Authorization Note Resolution with Council. This document will replace our current one that is set to mature on Oct 26th, 2018. Since wastewater improvement construction is taking longer than expected (due to the Army Corp of Engineers grant opportunity and process to obtain that, and the lack of construction material availability). The current BAN was a draw down as we needed it. This will be fully funded and deposited in a custodian account with Zions Bank upon closing. This interest rate is 2.88% through September 2019. There will be a semiannual interest payment due March 1 and September 1, 2019.

CLERK NOTE** Councilman Berends joins meeting in person.

Discussion was held regarding Zion Bank Corp Trust investing the City's money and the language in the Custody Agreement. Any money earned would be the Cities. Zions does not gain anything from the investments proceeds.

CLERK NOTE** Audio recording ceased to function at this point in the meeting.

Language added at *Section 1. Definitions* "Custody Agreement" of the Custody Agreement as follows: The form of which Custody Agreement is attached hereto as Exhibit b, with said form being approved with adoption of this Resolution with authorization for technical changes to be made prior to the Closing Date and execution thereof. With the approval of City Attorney, Todd Lakey.

Shamseldin motioned to approve and adopt Resolution #18-6 (Authorizing Issuance and Providing for the Sale of the City's Wastewater System Bond Anticipation Note, 2018 and Approval of Commitment Terms) with the above mentioned language change. Shamseldin reads resolution by title. DeGiorgio seconded. Roll call was taken with the following results: Shamseldin; yes, DeGiorgio; yes, Berends; yes. Motion passed.

8.2 Well #2 Repair Authorization

DeGiorgio motioned to approve the expenditure of \$1,100.00 to get the job done right. Roll call was taken with the following results: Shamseldin; yes, DeGiorgio; yes, Berends; no. Motion passed.

8.3 School District Utility Agreement Amendment Approval

Mayor stated that the current agreement has a conflict in the way the charges are calculated. DeGiorgio motioned to approve the amendment to the Notus School agreement. Berends seconded. Roll call was taken with the following results: DeGiorgio; yes, Berends; yes, Shamseldin; yes. Motion passed.

**8.4 Snow Removal Prep:
Tractor repair
Tractor Tire Chains Purchase**

Mayor reported that the Ferguson tractor is in need of some repairs. J&J Tractor estimates it needs transmission flush due to milky fluid found (\$275.00). Oil change and lube (\$175.00). Tire chains estimated cost of \$689.92 from Les Schwab. Shamseldin motioned to go ahead with the complete repair at J&J Tractor and purchase tire chains for the lowest price possible as long as they are what Paul wants. Berends seconded. Roll call was taken with the following results: Shamseldin; yes, Berends; yes, DeGiorgio; yes. Motion passed.

8.5 Resident Utility billing, 263 Fargo Ave

City Clerk reviewed the utility account charges with Council. Mr. Bond has been (reportedly) placed in a care facility. Current charges are \$866.96. DeGiorgio motioned to place account in a dormant status. Shamseldin seconded. Roll call was taken with the following results: DeGiorgio; yes, Shamseldin; yes, Berends; yes. Motion passed.

8.6 Water Meter Reinstallation fee, 422 1st Street, Notus

So that Council could make an informed decision City Clerk, Loretta, reviewed with Council the City's property and utility records for this address and City Codes and Resolutions. Loretta stated that first off there was a violation letter sent to Taylors referencing an RV that has been parked on 422 1st street since on or about August 30, 2018, that appears to be occupied. City Code 9-3-4 states that there shall be no recreation vehicles permanently permitted, occupied or otherwise permitted to locate in the city when intended for human occupancy. Although there is an ordinance No. 295 that addresses temporary use permit allowing use of a recreational vehicle not to exceed sixty days but that has not been applied for.

Current records starting back in 2010 show residence was occupied with water use and payment history. In January 2012 the name was changed to Randall Taylor and the trash service charge was eliminated but base rates were still billed and paid for. January 2013 the water meter was removed, account billed the water meter removal fee of \$100.00 and bill was paid. Copies of the paid receipt for meter removal and account notes provided to Council. That was the last money received on this account.

City code 7-2-9 allows for voluntary removal of a water meter but in all cases, the base rate will be assessed monthly. City Code 7-2-4, F states the base water rate will be assessed to each premises with a connection regardless of whether a meter is installed, water service is on or off, or the unit is occupied or vacant. All property in the city connected to the municipal water system, even though water may not be used by the owner or occupier of said parcel of land, is still subject to base rates.

DeGiorgio interrupts to ask why we need all this. Clerk states, so the Council can make an informed decision.

City Clerk, Loretta also reminded Council of Resolution #17-7 which addresses water meter re-install:(after 6 months) \$50.00 per month. Up to \$2000.00.

Floor was then turned over to Renee Taylor.

Renee Taylor, as a representative of South Wind Management, LLC (stated as current property owner) handed out a letter to Council requesting water meter reinstallation for 422 1st Street at a reduced rate. She then preceded to say that the information provided by the City Clerk was not correct. That the property is really 4 pieces of property with 3 waters (meter boxes) installed.

City Clerk asks what the addresses are since City records only show 2 properties. (422 1st St and 352 Fargo Ave.) Canyon County records indicate 2 properties.

Renee states the addresses are 422 1st street (mobile home) and 440 1st street (out building with large concrete slab) and 352 Fargo Ave (empty lot).

DeGiorgio motioned to have the water meter reinstall fee dropped to \$400.00 (from \$2000.00) for the 422 1st Street. Motion dies for lack of second. Shamseldin discussed perhaps \$500.00.

Renee stated that when the prior sewer bond was active, she paid LID payments on all 4 properties.

DeGiorgio motions for have the meter reinstallation fee at \$500.00. Dies for lack of second.

Berends commented that he is not comfortable changing the charges listed on the resolution for meter reinstallation.

Shamseldin would like to know what the real cost is to the City to reinstall the meter.

Renee states the water is for the mobile home at 422. To wash off the concrete slab and burning of weeds.

This subject will be on the next agenda for more discussion and possible decision.

9. Mayor & Council Comment

NONE

10. Adjournment

Shamseldin motioned to adjourn at 8:54 pm. DeGiorgio seconded. Voice Vote. All in favor. Motion passed.

Respectively submitted by Loretta Vollmer, City Clerk _____

David Porterfield, Mayor _____