

**City of Notus**

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**CITY COUNCIL MEETING MINUTES**

**Monday December 2<sup>nd</sup>, 2019 @ 7:00PM at Notus City Hall**

**1. Meeting Called to Order**

Meeting was called to order at 7:00 pm by Mayor David Porterfield.

**2. Roll Call**

Roll call was taken with the following results: Councilwomen Michelle DeGiorgio and Bonnie Emly, present. Councilmen John Higgins and Steve Ahlborn, present. Also present was Mayor David Porterfield and City Attorney, Todd Lakey.

**3. Pledge of Allegiance**

**4. Public Concerns, Comments**

NONE

**5. Approval of Amended Agenda**

DeGiorgio motioned to approve the agenda as amended by adding liquor license for approval (because they are time sensitive). Emly seconded. Roll call was taken with the following results: DeGiorgio; yes, Emly; yes, Higgins; yes, Ahlborn; yes. Motion passed.

**6. Consent Agenda, Action Items**

6.1 Disbursement List

DeGiorgio motioned to pay the disbursement list as presented. Emly seconded. Roll call was taken with the following results: DeGiorgio; yes, Emly; yes, Higgins; yes, Ahlborn; yes. Motion passed.

6.2 Council Meeting Minutes

Emly motioned to approve meeting minutes from Nov. 4, and 18, 2019. Higgins seconded. Roll call was taken with the following results: Emly; yes, Higgins; yes, DeGiorgio; yes, Ahlborn; yes. Motion passed.

6.3 Committee Meeting Minutes: Library, Community Events Committee

NONE

**7. Staff Reports**

7.1 Treasurer

NONE

7.2 Public Works

Public Works supervisor, Tyler Martin thanks Council again for the opportunity of working for the City. He comments that he enjoys the work and comes in with a smile on his face every day. He reports that he has been doing a lot of cleaning at the well house and Tower, sampling and testing. He has been working with Tom Mehiel. The fire hydrants have been flushed. DEQ mandates that dead end lines be done twice a year, more if there are issues. The back up well #2 pump is in bad shape. Looks like the packing needs replaced and suggested getting a pump expert to look at it. Also, should get it camera to check the screens. DeGiorgio asked him to get an estimate of the cost with parts and labor. Tyler will also speak with Control Engineers about the SCADA system. Seems like there is an issue with communication from the primary water tank to

the well. Outside wire looks frayed and that may be the issue. Ahlborn commented that he and the Mayor toured the City's property, equipment-vehicles and we have some issues.

## **8. Professional's Reports**

### 8.1 Engineer: Mountain Waterworks

NONE

## **9. Business, Action Items**

### 9.1 540 Elgin Fence Settlement Agreement, Approval

City Attorney, Todd Lakey has drawn up a settlement agreement. Ahlborn motioned to approve the \$500 reimbursement for fence and any damage done by cascade pipeline and allow the Mayor to sign the settlement and release document. Higgins seconded. DeGiorgio comments that the wording seems to favor the City and takes away Coopers work warranty rights since Cascade Pipeline has went bankrupt. Todd commented that he is the City's Attorney and looks at what is in the best interest of the City. DeGiorgio stated she would like him to treat the Cooper's as if they were his parents. Todd explained that any warranty would be covered by the surety bonding company for one year past the substantial completion date.

Discussion.

Ahlborn would like to have the wording to cover the fence but not be so broad in wording. Todd stated the he will work to tighten the wording to cover the fence and sewer hook up and bring back to Council later in the meeting.

### 9.2 Cure Agreement with Wastewater Project Surety regarding Project Completion

Mayor reviews agreement with Council. The agreement is with Ohio Casualty Insurance Company (Surety). Since the sewer project contractor has filed for bankruptcy and is unable to pay its subcontractors and suppliers, the project surety bonding company has acknowledged the need to complete our project and pay the outstanding cost. Surety will contract with Titan to complete the Conway Gulch Crossing, ramp (at headworks building) will be completed by Desert View Construction, and a claim for fence damage to Cooper's in the amount of \$500 will be paid. When all work is completed, obligation releases signed and with approval from USDA, the City will pay to Surety the balance of the contract retainage that the City is currently holding. Listed on page 2, #3 in the amount of \$153,725.09. Minus the \$500.00 for Coopers.

DeGiorgio asked if the city has the video of the sewer lines. Mayor commented that they should be in the box of documents that Engineer, Stuart delivered to the City.

Ahlborn motioned to approve and allow the Mayor to sign and the Clerk to attest the project cure agreement. Higgins seconded. Roll call was taken with the following results: Ahlborn; yes, Higgins; yes, DeGiorgio; yes, Emly; yes. Motion passed.

### 9.3 Ford Ranger Repairs

Jerry's Repair estimates the air intake tube needs replaced. Other items are not working but need to start with this. Cost is 348.20 and is an additional cost of what was previously spent. Mayor asks Council how far they want to go with this repair. Ahlborn asks what the value is on the pickup. DeGiorgio comments that you don't know what your getting in another used vehicle. We know what we have done to this one. DeGiorgio asked Tyler if he can plug in a code reader. Resident, Phil Ryan stated he has one the City could use. Tyler stated yes and also commented that he is currently using his own vehicle to take weekly water testing into Boise (66 miles round trip). Mayor stated that the ranger still has a broken windshield and will need tires real soon to be road worthy. Higgins commented that a 1997 vehicle will certainly have more issue's down the road. He suggests fixing it and use it as a second vehicle.

Higgins motioned to approve the repair cost estimate for \$475.21 from Jerry's Repair. (additional work \$348.50) DeGiorgio seconded. Roll call was taken with the following results: Higgins; yes, DeGiorgio; yes, Emly; yes, Ahlborn; yes. Motion passed.

**BACK to 9.1 for decision:**

Attorney, Todd Lakey reviews requested changes to the settlement agreement for 540 Elgin Ave with Council.

Higgins motioned to approve the document as modified by Todd. Ahlborn seconded. Roll call was taken with the following results: Higgins; yes, Ahlborn; yes, DeGiorgio; yes, Emly; yes. Motion passed.

9.4 Computer and Software Purchase, Approval

City Clerk reviewed the price quotes with Council since Treasurer, Marie is absent. DeGiorgio asked about the warranty. Ahlborn commented that the N4 has only 1/2 the amount of memory as the other so let's step that up for the extra \$50.

Higgins motioned to authorize the City Treasurer, City Clerk and the Mayor to work together to purchase the computer system that they need with a cap of \$3000.00. Emly seconded. Roll call was taken with the following results: Higgins; yes, Emly; yes, DeGiorgio; yes, Ahlborn; yes. Motion passed.

9.5 Lagoon Road Improvement

Mayor has not got any returned phone calls yet so discussion is tabled.

9.6 Employee Bonus

DeGiorgio motioned to give all 5 employees \$100.00 for Christmas bonus 2019. Emly seconded. Roll call was taken with the following results; DeGiorgio; yes, Emly; yes, Higgins; yes, Ahlborn; yes. Motion passed.

9.7 Comprehensive Plan Discussion

Tabled.

9.8 Liquor License Renewals, Approval

DeGiorgio motioned to approve liquor license renewal for the Garage Café. Ahlborn seconded. Roll call was taken with the following results; DeGiorgio; yes, Ahlborn; yes, Emly; yes, Higgins; yes. Motion passed.

**10. Executive Session (Idaho Code 74-206(1)(b)(f)):** (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent. (f) to communicate with legal counsel the legal ramification of and legal option for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

NONE

**11. Mayor & Council Comment**

Todd would like to invite everyone to join his firm for their client appreciation Christmas parade watch party on Dec 6 at 6:30.

**12. Adjournment**

DeGiorgio motioned to adjourn. Higgins seconded. Voice vote. All in favor. Motion passed. Meeting adjourned at 9:10 pm.

Respectively submitted by Loretta Vollmer, City Clerk \_\_\_\_\_

David Porterfield, Mayor \_\_\_\_\_