

NOTUS CITY COUNCIL MEETING MINUTES
Regular Session: **Monday, February 4th, 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. Councilman Rick Wallace Jr, present. Also present Mayor, David Porterfield, City Attorney, Todd Lakey, and City Engineer, Stuart Hurley. Councilman, Clint Berends; absent.

3. Pledge of Allegiance

4. Public Concerns, Comments

Randall Taylor of 348 Elgin signed in to speak and was recognized. He commented on the bill before the Legislature that the House has passed concerning annexation. This bill makes it impossible for Cities to force annexation. He urges Council to get this on an agenda to discuss and take a look at the property around Notus and especially the farm land on the south side of the tracks.

Sally Wells of 20594 Hwy 20/26, signed in to speak and was recognized. She commented that she is in full support of the Library to stay open.

Nathan Wells of 20594 Hwy 20/26 signed in to speak and was recognized. He asks Council if they have considered the asset to the city and the value of the books and other items in the Library. The City has to protect its assets.

5. Consent Agenda, ACTION ITEMS

5.1 Disbursement List

Wallace Jr motioned to pay the disbursements as listed. Emly seconded. Roll call was taken with the following results: Wallace Jr; yes, Emly; yes, DeGiorgio; yes. Motioned passed.

5.2 Council Meeting Minutes

Wallace Jr motioned to approve the meeting minutes of January 22, 2019 as written. Emly seconded. Roll call was taken with the following results: Wallace Jr; yes, Emly; yes, DeGiorgio; abstain. Motioned passed.

Mayor stated that he would like to add wording to the special session meeting minutes at the middle of first page, sentence starts with "Mayor reviews budget with Council.....adding "and allow additional time to make other plans", to finish that thought. Emly would like to add word "look" after "Mayor stated that he will ... on the last sentence to complete it.

CLERK NOTE* Councilman, Clint Berends joins meeting at 7:13 PM.

Emly motioned to approve the special session meeting minutes of January 28th, 2019 with the corrections noted. DeGiorgio seconded. Roll call was taken with the following results: Emly; yes, DeGiorgio; yes, Wallace Jr; yes, Berends; abstain. Motioned passed.

5.3 Committee Meeting Minutes: Library, Community Events

NONE

6. Community Relations

6.1 VRT Liaison

NONE

6.2 COMPASS – RTAC

Wallace Jr reported that the construction is continuing along I84 and ITD is asking for our patience during the roadwork.

6.3 Notus School District
NONE

7. Professional's Reports

7.1 Wastewater

Mayor reported that we had another discharge violation due to the extra effluent expelled. While construction continues, waste water in pond one isn't allowed to stay long enough to process before it is moved along. The violation on 1-22-19 was reported to DEQ within the appropriate time line. We may have another hit for the testing date 1-31-19. Wallace Jr asked if Mike Black can come the meeting to report on this. Mayor comments that he will ask him to.

7.2 City Engineer, Mountain Water Works

Stuart Hurley reported that the construction work at the Lagoons is continuing. The work at the Sod Farmer's field is complete. The boring under the Rail Road is ongoing. The bursting work in town on the north side of the tracks is on hold until we see if the government will stay open after the 15th. DeGiorgio asked when the completion date is. Stuart stated that the completion time should not be greatly impacted but he will review it with the contractor. He is guessing June. DeGiorgio stated that back when it was presented to the citizens for passing the bond, was it not supposed to be new lines in.

Stuart stated that it was a combination of both. Some are being replaced by digging them up and other were being replaced by pipe bursting. The scope of work has not changed. Some lines are being pipe burst and some are being dug up. The South side is mostly dug up and replaced. The majority of the north side is being replaced by pipe burst. Replaced is replaced.

8. Business: ACTION ITEMS

8.1 Westown Disposal and Fox Sanitation Fee Increase, Discussion and Decision

Bill Pastoor from Westown Disposal and Rhonda and Johnny Fox from Fox Sanitation Service were present. Bill asked for a .50 cent raise in the garbage service fee. Toter amount would remain the same. Rhonda Fox commented that they were not looking for a raise. Mayor comments that we need to keep both services equal.

DeGiorgio motioned to approve a .50 increase in sanitation service fee for both Fox and Westown effective with the March 25th billing. Wallace Jr seconded. Roll call was taken with the following results: DeGiorgio; yes, Wallace Jr; yes, Emly; yes, Berends; no. Motioned passed.

8.2 Proposed Resolution for Sanitation Fee Increase

Wallace Jr motioned to approve resolution #19-1 to increase the garbage service fee to \$11.15. DeGiorgio seconded. Roll call was taken with the following results: Wallace Jr; yes, DeGiorgio; yes, Emly; yes, Berends; no. Motioned passed.

8.3 Western Alliance Report, Tina Wilson

Tabled

8.4 Temporary Library Housing

Mayor stated that he had talked to the two potential building buyers. One stated that if the City was looking elsewhere then so would he. The other one said that if that is your course of action, I expect to close on the purchase of this building by the second week in February and I expect you to be out of the building 7 days later. City Attorney stated that without a current lease, the assumption would be month to month terms but it is difficult to predict. Mayor comments that he would like to have some sort of plan of action, just in case we are told to leave (vacate on short notice).

Resident Randall Taylor states that he is representing Larry Lewis tonight. He states that as long as the city moves the water meter (for 360 Elgin) and cleans the plugged sewer line (at 353 Fargo) Mr. Lewis will allow the library to use his building rent free for 2 years, City will have to pay for all utilities and Mr. Lewis will do the building maintenance.

Mayor states that our professionals are saying it is not in the best interest of the City to move the water meter. There are (service) line separations that can't be met (in the narrow alley). Meters need to remain on city property and that is why the meter is where it is. More discussion on water meter.

Randall Taylor stands saying he is going straight to Mr. Lewis and tell him that the City still refuses to move his meter. Library representative, Sally Wells asks him to not tell that to Mr. Lewis. She does not know Mr. Lewis and has not talked to him about the library. The Library Board meets on the 2nd Wednesday of the month and they want a chance to discuss this option. Randall Taylor leaves meeting.

Mayor comments that the Library Board is governed by the State Library Commission and are the ones that have to make the decision in the best interest of the Library. We are talking about it because the city does give the library operating money and the building does have the community center in it as well.

DeGiorgio commented that at City Hall (attic), we could put stairway in and put plywood down for flooring and use it for storage. And possibly look into the old café property.

Mayor asks Library Chair, Sally Wells what she thinks.

Sally stated that she likes the idea of Mr. Lewis's building. She thought the Council Chambers would be small but workable. They could digitize the library to check out books. Whatever they choose, there will be an agreement in writing.

DeGiorgio comments that the (water) meter was agreed to be moved. If DEQ or whoever won't put it in writing, there must be a reason.

Phil Ryan comments that he has looked into the Building Codes and can see no mention of requirements for meter placement or such. He thinks the City can do whatever they want and DEQ doesn't care.

Resident, Nathan Wells comments that meters must remain on city property and not private. Lines from the meter to the resident's home is the responsibility of the property owner. His meter is located on 3rd street and he lives way over on Elgin 20/26. He is responsible for that line when there is a leak.

DeGiorgio comments that that is ridiculous.

City Engineer, Stuart Hurley reviews the IDAPA Waster Water Rules with Council. He states, code "58.01.16. There is a memorandum of understanding between the Bureau of Plumbing and DEQ that addresses line separation requirements. Potable to non-potable line separation is 6'feet horizontal. And vertical separation needs to be 18" inches. There are ways to protect around that. You can encase the pipe for protection. The other more major concern is the right of way issue. There is no water main line running along the alley, that's why the water meter is where it is (on Notus Rd near alley). The meters need to be on public property. I have looked into it and it appears there is no easement for the water line in the alley. I'm assuming that is why the meters where originally placed in front of the building (along Elgin). When the plumbing inside the building starting leaking, the meter was moved and service ran to the building. The meter is in the (city) right of way and the service is ran to the private entity. So IF the meter is moved, the City would need to check to make sure there is an easement in place for that meter. Another thing is the access. If the city wants to gravel ,grade and do those things in the alley, getting the meter outside of the right of way access for that is challenging because there is literally only about 15 ft. and even less because actually people have encumbered and built in city right of way in some areas. So there is a lot going into it and in my opinion I'm not hearing a good reason as to why to move the meter. My recommendation to the City is why move it. I don't understand why you would want to move it when there is potentially additional costs. I mean the meter is there for a reason. So I guess I would make sure you put all those items and considerations into effect (for decision).

Phil Ryan comments on the meters in front of the building (According to the plans the meters in front where put there in 2000) stating that the lines in front were rotten and there was a leak someplace out beyond someplace inside of the building.

Wallace Jr comments that the lines were rotten underneath the building. Also, we getting off the topic.

Mayor comments that the situation of the meters in front and the problem being in the building is nothing the City can remedy.

Moving on, Mayor asks representative from the Events Committee what their thoughts are on the loss of the community center. She comments that they use the kitchen for the harvest festival and the 4th of July celebration. They could use the fire station kitchen and meeting room, although small and no parking area. Finding storage for the supplies will be difficult. They would have to rethink and plan differently since these events take up the whole town. The City does own property in Kremmwood but it is a piece 90x100 ft. that is used to accept the water retention pond run off with no current access road. The other piece is not quite an acre on Webster and 20/26 that is not in city limits and not a building lot.

The old church on 2nd and Fargo owner said he wouldn't offer use of the building due to it being full of equipment. He may be open to a purchase or lease but would not be rushed into anything.

DeGiorgio motioned to have the Library Board to meet with Larry Lewis to work out details of his building for the Library. Wallace Jr. seconded.

Mayor asks if this is in preparation of a possibility of being asked to leave (the building) or to...

DeGiorgio comments that not only that, but if it doesn't sell, we'll move it. We will find our own place because, let's face it, we are in this because Mr. Vezzoso wouldn't give us a lease/contract agreement. We are done with that building.

Mayor asks what if a new buyer is willing to offer continuation of the current city's relationship, AS IS.

DeGiorgio comments that no, we should still move. Although that might be viable for the Community Center.

Events Committee rep replied that if that were to happen, make sure there is a lease agreement. The community center is used by the library for many different events.

Roll call on the motion was taken with the following results: DeGiorgio; yes, Wallace Jr; yes, Emly; yes, Berends; yes. Motion passed.

8.5 Storage Needs

Mayor commented that no matter what happens with the Whitmire building, the city is still facing some storage needs. DeGiorgio comments to get a contractor to bid on stairway and plywood flooring in (attic) of city hall. Berends commented that would cost more than a storage container. Wallace comments that we would be better off purchasing a container than renting.

Decision tabled.

8.6 Update on New building at well #4

Stuart will be meeting with contractor to discuss add on to the building hopefully this week. Mayor has contacted a contractor and he has stated that it would be difficult with the roof line on the west side, but it would be better if it is located on the south wall. Not sure if we could build over those pipelines or not. Suggestion for concrete supported stilt floor, insulated, instead of on concrete foundation.

9. Mayor & Council Comment

Mayor would like Council to set a date for a workshop to discuss annexation and possible property purchases. Work shop will be Feb 21, 2019 at 7:00 pm.

10. Adjournment

Wallace Jr motioned to adjourn at 9:10 pm. Berends seconded. Voice vote. All in favor. Motioned passed.

Respectively submitted by Loretta Vollmer, City Clerk _____

David Porterfield, Mayor _____