

CITY COUNCIL MEETING MINUTES
Regular Session: Monday, April 15th, 2019
At 7:00 @ Notus City Hall

1. Meeting Called to Order

Meeting was called to order at 7:05 pm by Mayor, David Porterfield.

2. Roll Call

Roll call was taken with the following results: Councilwomen, Bonnie Emly and Michelle DeGiorgio; present. Councilman, Rick Wallace Jr, present. Also present, Mayor David Porterfield and Attorney Todd Lakey.

3. Pledge of Allegiance

4. Public Concerns, Comments

Margaret Cooper signed in to speak about the sewer project contractors that tore their fence down. She presented photos of the fence and driveway and asked that a meeting between the Mayor, contractor, engineer and she and her husband be set up. She wants a completion date for fixing their fence and driveway into the property.

5. Consent Agenda

5.1 Disbursement List

Rick Wallace Jr moved to pay the disbursements. Bonnie Emly seconded. Roll call was taken with these results: Wallace Jr, yes; Emly, yes; Michelle DeGiorgio, no. Motion carried.

5.2 Council Meeting Minutes

Wallace Jr motioned to approve the minutes of April 1, 2019. Emly seconded. Discussion was comments from DeGiorgio regarding in the Public Concern section. Her question was what the "clerk note" was for. The Mayor explained that it was a note to be sure that the zoning was checked and that the subject would be back on the agenda the next meeting. The seconded comment was regarding 8.2 with changing the word "June" to "May" because "that is what the engineer stated". Both Emly and Wallace Jr stated that they remembered the engineer saying that the project would be finished in May or June, unless unforeseen issues occur. The Mayor stated that he would like a change made in the minutes regarding the Elgin meter issue regarding the fact that there would be 3 options: 1 would be to sign a memorandum of agreement; 2 would be the curb block and 3 would be the moving of the meter. Roll Call was taken with the following results: Wallace Jr; yes; Emly, yes; DeGiorgio, no. Motion carried.

5.3 Committee Meeting Minutes: Library, Community Events

NONE

6. Staff Reports

6.1 Public Works

There was no report.

6.2 Library Liaison

There was no report.

6.3 Treasurer

Marie Eilers reported that Bonnie Emly had reviewed all the Bank Statements for this fiscal year and she thanked Ms. Emly for doing it. Eilers also reported that her time had been taken up during the day with things that had to be completed for the USDA loan and was not able to get the monthly financial report ready for the meeting. She stated that she would have the March report done the following day.

7. Community Relations

7.1 Notus School District, Craig Woods

No one from the school was present.

8. Professional Reports

8.1 Wastewater

NONE

8.2 Engineer

Stuart Hurley spoke to the Council about the progress of the project. He explained that he is in constant contact with the contractors and has stressed the importance of being expedient with their work. He has told them that there will not be any more extensions and that during the government shut down the contractor had to take on some outside jobs, but that he has been told that this project has priority.

9. Business:

9.1 Well #4 Building Plan Update

Mayor stated that this item would be tabled because he was not able to get together with the contractor. DeGiorgio asked why it is taking so long to get this project done and the Mayor stated that because of the location there are rules and regulations that have to be followed. We, as a city need to follow codes to be an example for the community.

9.2 Business License, 266 Elgin Ave.

Explanation was given regarding this request. The first time it was presented there were questions regarding the inspection by the Fire Department, which we now have. Wallace Jr moved to approve the Business License for the Whistlestop Restaurant Supply. DeGiorgio seconded. Roll Call was taken with the following results: Wallace Jr, yes; DeGiorgio, yes; Emly, yes. Motion carried.

9.3 Water Meter at 360 Elgin Ave.

Mayor Porterfield noted that Mr. Lewis was invited to the meeting and is not present. Mayor asked Mr. Lakey what the next step should be. Mr. Lakey stated that the council can move forward without Lewis being present. The Mayor stated that he would say there are three options that could be approved. Option 1) is a memorandum of agreement between the City and Mr. Lewis stating that the City would be responsible for the line from the meter to Lewis property line, which is contrary to city ordinance, but Mayor thought it would be OK since the line runs through the alley. That would give us an inexpensive solution by signing such an agreement; option 2) would be to install a curb block at the property line, which would have a turn off at that location and thus isolate the line from the meter to the property line which allows us to make sure there is no question who is going to take care of the line between the two locations; option 3) is to move the meter with a cost of \$3,400 to \$4,300 depending on the conditions they run into after they start digging. This would take the meter from the current location to inside the property line of the owner and to place the water meter in that location. Resident Rick Hardcastle was present at the meeting and shared some of the history regarding the water project. He explained that the meters for that portion of town originally were in the front of the buildings. Then at some point the meters failed and were taken out. Water was then provided to those buildings with pipes running on the northwest side of City Hall. When the Water project was done, the water lines were changed to the current location and meter installed on Notus Road. Bonnie Emly spoke about the issues as they happened after she was appointed to the Council and asked when it changed from a water leak issue that Mr. Lewis addressed and an issue with the meter. Mayor stated that he was of the opinion that the issue regarding changes to the water meter came about in the early 2000's. The water leak was address on June 14, 2018, when Idaho Rural Water came and did a leak test and indicated that there was no water leak in the pipe. That was when the suggestion of an agreement between the City and

the owner was brought up. That was refused by the owner. More explanation was made by engineer regarding the curb block installation. Wallace Jr asked Mr. Lakey if he had any response from Mr. Lewis's attorney. There was no conversation between the two of them. Wallace Jr moved to rescind the previous motion to move the meter. Emly seconded. More discussion took place regarding how long Lewis had paid water for that building. Eilers stated that she could only tell from the time she started work for the city. He has had water service in that building since then until recently. Dave Fletcher from USDA spoke to the group as a representative that was involved with the 2000 Water project of Notus. He stated that the lines were pulled away from Hwy 20/26 because there is so much (state) regulations for that type of meter that it was too costly for the City to do. Roll Call was taken with the following results: Wallace Jr, yes; Emly, yes; DeGiorgio, no. The motion carried.

The Council asked Attorney if he would speak to the Lewis's attorney and bring back information to see where to go from here. Wallace Jr moved to allow the City attorney to offer the three options: Memorandum of Agreement; Curb Block with equal share of cost with Mr. Lewis and meter not being moved. Roll Call was taken with the following results: Wallace Jr, yes; Emly, yes; DeGiorgio, no. Motion carried.

9.4 USDA Supplemental Loan

Mayor Porterfield reported that he participated in a conference call along with Marie Eilers, Stuart Hurley, and representatives from USDA Rural Development during the day of the Council meeting. The purpose of the call was to discuss options for paying for the overage in costs of the South side project. Dave Fletcher explained that an additional loan could be made by USDA, which would cost more in interest or the city could fund the amount as part of their contribution to the project. DeGiorgio asked how we can justify to citizens the length of time to complete the project and the extra cost. She talked about the fact that the citizens voted to get a Sewer Bond and she felt that we are imposing more on the residents of the town. Fletcher explained more about how the Bond works. He stated that we went for the highest bond amount we could with the pay-back figured in, which was \$2.8 million. The project was originally estimated at \$2.2 million so that we would have enough without having to ask the citizens for another Bond. He told the group that the City has paid \$223,000.00 as a City Contribution as stated in the loan documents. The amount that Fletcher recommended the City pay from their own funds is \$50,000 with additional funds coming from the contingency funding. He also stated that the closing for the pay-off of Zion Bank and moving forward to the Bond process is scheduled for May 6, 2019. The first payment the City will have to make will be in May or June of 2020. Eilers confirmed that the City would be able to pay \$50,000, in order to keep moving forward with the project. Wallace Jr moved to pay the \$50,000 from City funds as designated to take care of the change order. DeGiorgio seconded. Roll was taken with the following results: Wallace Jr, yes; DeGiorgio, yes; Emly, yes. Motion carried.

9.5 Whitmire Building

Mayor Porterfield reported to the Council that an offer has been made to purchase the Whitmire Building and it was his understanding that it was possible to close on Monday, April 15, 2019, but he did not have conclusive information.

10. Mayor and Council Comments

There were none.

11. Executive Session:

None

12. Adjournment

Wallace Jr moved to adjourn at 8:56 PM. Emly seconded. Voice Vote. All in Favor. Motion carried..

Respectively submitted by Marie Eilers, City Treasurer _____

David Porterfield, Mayor _____