

**NOTUS PUBLIC HEARING ON ANNEXATION OF 20618 HWY 20-26
AND CITY COUNCIL MEETING MINUTES**

May 17, 2021 @ 7:00PM

at Notus Community Center 389 1st Street, Notus, ID, 83656

SOCIAL DISTANCING PROTOCOL IN PLACE

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: Council President Bonnie Emly and Council woman Michelle DeGiorgio, present. Councilmen, Steve Ahlborn, and Devin Krasowski, present. Mayor, David Porterfield, City Attorney Joe Borton and Stephanie Hansen also present.

3. Pledge of Allegiance

4. Public Hearing for the purpose of receiving public comment regarding Thomas Miller, applicant and property owner, seeking approval of annexation of residential property located at 20618 Hwy 20-26, Caldwell on Canyon County records.

4.1 Mayor opens Public Hearing

Mayor opens public hearing at 7:02 pm.

4.2 Verification by City Clerk that Public Hearing was correctly advertised

City Clerk verified was correctly advertised and application is complete.

4.3 Presentation from Applicant and questions from Council

Thomas Miller of 20618 Hwy 20-26, Caldwell stated he wants to annex his entire property into the City. 2/3 of his property is already within the City. This should have been done 25 years ago. City water and sewer (connections) are already at his house they just needed to turn it on. County has been charging him on two parcels. One for outside City limits and one for inside City limits. Maps show it as one parcel, split only by City limit line.

4.4 Staff Report

City Clerk, Loretta Vollmer, read staff report. Records reflect: 12-19-1995 a sewer connection was installed to 618 Elgin which is also known as 20618 Hwy 20-26, Caldwell.

2-27-1996 a water connection was installed.

In 2000 Miller's requested that the water meter be removed. Since their well and house were located outside of City limits, request was honored. See map (Only approximately ¾ of his property is within City limits) August 17, 2020 Mr. Miller requested to have his water meter reinstalled because his well went dry and was currently without any water. He indicated then that he was interested in annexation. Mayor agreed to reinstall the water meter with a reconnection fee being paid and a completed Meter Re-installation application submitted, which it was.

The required new service application was submitted and the utility deposit of \$150.00 paid on August 17, 2020.

Mr. Miller came before Council on Sept 8, 2020 to request a reduction of the \$2,000 re-installation fee and to let them know that he would be seeking annexation of his entire property. Discussion was held. Councilman Ahlborn motioned to reinstall meter for \$400.00. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, Wells; abstain. \$400 Payment was paid on October 12, 2020.

As a side note the original water meter vault is along 3rd Street along with the service for 594 Elgin (also known as 20594 Hwy 20-26, Caldwell). It is one of many in town that are not located directly in front of the home.

4.5 Written Correspondence submitted

One letter was submitted from Jack King of 24483 Kremmwood, Notus in support of the annexation.

4.6 Public Testimony from those in Support

NONE

4.7 Public Testimony from those Neutral

NONE

4.8 Public Testimony from those Opposed

Phil Ryan of 694 3rd Street was recognized by the Mayor. Mr. Ryan is opposed to the annexation of the 38 acres across the street from his house. City Clerk asked him if he knew this hearing was for the single residential property and not the 38-acre parcel owned by someone else. He responded that he did not. He thought this hearing was for the larger parcel across from his house.

4.9 Applicant Rebuttal

NONE

4.10 Mayor closes Public Hearing

Mayor closes public hearing at 7:15 PM.

5. Consent Agenda, Action Items

5.1 Disbursement List

Ahlborn motioned to approve the disbursement list for \$3111.27 as presented. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, DeGiorgio; yes, Emly; yes. Motion carried.

5.2 Council Meeting Minutes

Ahlborn motioned to approve the meeting minutes from May 3rd, 2021. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; abstain, Krasowski; yes. Motion carried.

5.3 Committee Meeting Minutes: Library, Community Events

NONE

6. Staff Reports

6.1 Treasurer

Treasurer, Marie Eilers, reviewed revenue and expense report with Council. She reported that a deposit of \$35,000 was made into each of the Water, Streets, and General fund LGIP accounts.

6.2 Public Works

Public Works Supervisor, Tyler Martin, stated that April 30 was last day of wastewater discharge season. He is reviewing the O&M manual and doing the cleaning and maintenance required of the weir box and discharge vault. Chemical pumps have been adjusted. Weed spraying in town and cleanup of the lagoon areas. Starting spring hydrant flushing at dead ends. He is still trying to get another quote for the Baxter Lane sewer line. Everyone is super busy. DeGiorgio asks about duck weed at the ponds and the use of aerators to help the problem. Tyler reported that two of the aerators are broken and a third one is making noises. DeGiorgio suggest watching the surplus auction for replacements.

7. Business

7.1 Annexation Application for 20618 Hwy 20-26, Caldwell., ACTION ITEM

DeGiorgio motioned to approve the Annexation of 20618 Hwy 20-26 into the City and establish it as a R1 zone. Krasowski seconded. Roll call was taken with the following results: DeGiorgio; yes, Krasowski; yes, Emly; yes, Ahlborn; yes. Motion carried. City Clerk will check with Canyon County and the Postmaster for proper mailing address procedure.

7.2 Administrative Approval of Plat currently known as 422 1st street with Conditions. ACTION ITEM

City Clerk, Loretta Vollmer reviewed with Council the Administrative Approval with Conditions for the property currently known as 422 1st Street, owned by Z&H Construction and Zane Shippy. City Clerk reviewed the document with Council and read the following from said document: *On May 7, 2021 A survey was submitted, which has not been presented to the City Council, but has been provide to the City Clerk for administration in accordance with the Notus City Code.*

FINDINGS: Notus City Code defines as Subdivision as "an area of land which has been divided into three (3) or more lots". NCC 10-2-1. This Project does that. That requires this Project to comply with the Plat requirements of City Code. NCC 10-3-1. However, because the prior record of this property is incomplete as to what was and was not

formally approved by the City years ago, and in furtherance of and the promotion of economic development within Notus, these findings and this conditional approval is intended to assist the Applicant to complete his project while ensuring the City has an approved plat with all requirements in accordance with law. It is also noted to be in the applicant's best interest to meet these conditions as they will, in part, allow the properties to be transferred to future owners.

Wherefore, in accordance with Notus City Code 10-1-4 the City Clerk has determined the plat, as submitted for 3 lots as set forth on the Survey, is approved to proceed for building permits once the following conditions of code are satisfied. The City Clerk in the administration of City Code, has determined that a new plat application (with a 60-day waiting period per code) is not necessary as this alternate process with conditions, will allow the property to be developed as intended. These conditions must be satisfied in order to ensure compliance with existing Idaho Code, LLUPA regulations, and Notus City Code, prior to issuance of any building permit for the Project.

CONDITIONS OF APPROVAL OF PLAT

All of the following items must be submitted, reviewed and signed off by City Staff and Professionals indicating Code compliance and then the plat will be deemed as complete. Once the plat is deemed complete, building permits will be issued.

- 1. Provide to the City Clerk all items listed in Notus City Code 10-3-1(B)(2).*
- 2. Plat will note locations of all utilities and utility easements.*
- 3. Correct the narrative located on the survey submitted to City with the Canyon County recorded date of 05-07-2021, record #2021-033493 and resubmit a full-size, recorded copy to the City.*
- 4. Submit to the City copies of recorded deeds for all three parcels created and represented in the survey, each in the name of the property owner.*
- 5. All fees for engineering review, legal, planning, and any other professional service fees associated with this plat shall be communicated to the Applicant by the City Clerk and all shall be paid in full and on time by the Applicant. These fees are intended to cover costs associated with this process that are incurred by the City, to avoid City taxpayers paying for the cost incurred by the Project. NCC 10-1-5(C).*
- 6. The plat shall not be recorded with the County, nor any building permits issued, until these conditions are approved. NCC 10-1-6(B) Should these conditions not be met the plat will be deemed as incomplete and no building permits will be issued. NCC 10-1-6(D) in the event that any such unapproved plat is recorded, it shall be considered invalid, and the City Council may institute proceedings to have the plat stricken from the records of Canyon County, Idaho.*

Cost of connecting to all public utilities including water and sewer to each parcel is the at the applicant's expense. Building permit for each parcel is a separate fee set by the Notus contracted Building Inspector and is at the applicant's expense.

DeGiorgio motioned to approve the Administrative Approval with Conditions. Krasowski seconded. Roll call was taken with the following results: DeGiorgio; yes, Krasowski; yes, Emly; yes, Ahlborn; yes. Motion carried. City Attorney asked Mr. Shippy if he had any questions. He stated no. He raised no objections concerning the document or its approval by Council.

7.3 Code and Law Enforcement Agreement with Parma Police, ACTION ITEM

Mayor reviewed the updated document as per the previous Council discussions, indicating a change to 1.1 indicating "5 hours, not to exceed 20 hours...". Discussion. City office staff are the only ones to contact Parma Police for Notus issues. No change for Residents, they are still to call 911 for any and all police related items. Council will receive regular reports on the time spent and actions taken in Notus by Parma Police. Mayor commented that he had a discussion with Canyon County Prosecuting Attorney, Brian Taylor concerning the agreement. If the City wanted to receive a portion of the fines collected, there would be a monthly fee charged to the City for that stipulation. If it all goes through Parma Police, they receive the money but then we don't have to pay the Prosecutors office. Seems that the amount received back is minuscule. Is it worth it? Ahlborn stated having Parma Police do it seems like it puts City in a better position with public. Indicating that the City does not benefit financially by issuing fines/violations. Parma estimated cost of each officer is approx. \$75,000 per year. DeGiorgio motioned to approve the agreement. Dies for lack of second. Ahlborn motioned to accept, keeping the red lettering at 3.3 and removing the black lettering in 3.3. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, DeGiorgio; yes, Emly; yes. Motion carried. Mayor will meet with Parma Police Chief and Brian Taylor on Wednesday.

7.4 Water Facility Plan update

Mayor commented that City Engineer, Mountain Waterworks submitted a grant application to DEQ to help fund a facility plan. A facility plan is required before DEQ will allow any new development utility hookups. We did not

receive the grant. They are now working on a grant through USDA, although it is very doubtful that we will get approved. We could fund a facility plan on our own. That would move it along much faster and we could have real answer to give to developers. Self-funding would also give us more points for when we do apply for a grant. At our next Council meeting there will be a representative here to present the options and answer questions.

7.5 Budget Review

Mayor reviewed budget with Council. Based on past discussions there could be a raise in expenses in the General Fund, personnel expense, parks and maintenance, and legal publications. He also commented on the need for a City Planner, given the interest in proposed development. Canyon County Planner Kate Dahl offered to do some of the development services for a fee. Fee may be as low as \$1,000 or as much as \$20 to \$30,000. Or we could choose a contract service. Another potential budget increase concerns Council and Mayor compensation. Krasowski stated that Council should be adequately compensated. Ahlborn suggested that \$75- \$100 (month) seems fair enough. He also commented that the Mayor should be around \$400 per month. Mayor stated that the City Hall still needs some improvements as well. All is on hold until AIC sends out the FY 21-22 revenue projections. Need to keep in mind that water and wastewater treatment chemicals cost will increase as well.

8 Mayor & Council Comment

NONE

9. Adjournment

DeGiorgio motioned to adjourn at 9:03 pm. Emly seconded. All in favor motion carried.

Respectfully submitted by Loretta Vollmer, City Clerk _____

Approved by David Porterfield, Mayor _____