

CITY COUNCIL MEETING MINUTES
Regular Session: Monday, August 5, 2019
At 7:00 @ Notus City Hall

1. Meeting Called to Order

Meeting was called to order at 7:01 p.m. by Mayor, David Porterfield.

2. Roll Call

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

3. Pledge of Allegiance

4. Public Concerns, Comments

5. Consent Agenda

5.1 Disbursement List

Bonnie Emly moved to approve the disbursement list. Steve Ahlborn seconded. Roll call was taken with these results: Emly, yes; Ahlborn, yes; DeGiorgio, yes. Motion carried.

5.2 Council Meeting Minutes

Minutes for the July 8, 2019 and July 22, 2019 were presented, however the council requested to have them brought back at the next regular Council meeting for approval. Mayor tabled the approval of the minutes for July 8th and 22nd.

5.3 Committee Meeting Minutes: Library, Community Events

NONE

6. Professional Reports

6.1 Wastewater Operator

There was no report.

6.2 Engineer

Stuart Hurley reported that the substantial completion forms have been sent to Mayor Porterfield and sewer project is wrapping up. Hurley also reported that he had news from Cascade Pipeline indicating that there is a possibility of the contracting company may be filing bankruptcy in the near future. He indicated that the Conway pipe will have to be taken out of the project and proceed as necessary. Mayor Porterfield noted that a meeting between the engineer, attorney, and himself would be set up soon to figure out the next steps for the City. DeGiorgio stated that it was her feeling that the Council members need to be involved in the discussion as well. DeGiorgio insisted that council be part of the first meeting, however neither Ahlborn nor Emly wished to be included. Mr. Lakey made the comment that the issues would have to be done in Executive Session, which would allow all the council to be present. He stated that he thinks a small meeting to prepare for the executive session is in order, but he didn't have an issue with DeGiorgio being present for that meeting. Mayor responded that DeGiorgio would be contacted as soon as he had a date that would work for the professionals.

7. Business: ACTION ITEMS

7.1 Betty Kadel, Request to use Community Center Reader Board

Betty Kadel asked the Council if she could have the City staff put an announcement on the reader board for an educational event that she is having on August 16, 2019. DeGiorgio moved to allow Kadel to put message on reader board. Ahlborn seconded. There was a question from the Mayor to Mr. Lakey regarding the possibility of being a conflict of the use of public sign for a for-profit

venture. Lakey stated that he did not think there would be a conflict. Kadel stated that the meeting was strictly educational. A question from Ahlborn regarding how that fits into the current situation with the Community Center. DeGiorgio stated that the reader board belongs to the City and is used for any event that the City holds. Roll Call was taken with the following results: DeGiorgio, yes; Ahlborn, yes; Emly, yes. Motion carried. Kadel will get information to the staff in time for it to be posted.

7.2 Whitmore Building Lease

Mayor reported that he had received an email from Mr. Watson regarding our request for the changes that were discussed at the last meeting. He is asking for a monthly rental fee of \$1,000; city to repair existing air conditioning unit at the Library; and repair/maintain the emergency lights, exit signs, etc. He has asked his attorney to look at the section 9 on destruction because he is not agreeing to that. Mayor suggested that the City would also send a copy of the proposed section to ICRMP for their interpretation. DeGiorgio moved that the City has Mr. Lakey come up with the correct verbiage to make agreement acceptable that would protect the City. Ahlborn commented that there were 3 sections that the council had discussed that need some work. It appears that Mr. Watson is OK with 2 of them now so it is just #9 that needs work. Mayor stated that the attorney has been in the process from the beginning and will continue, however it is still the decision of the Council to agree to the final lease agreement. Lakey stated that he believed the council would want to determine if the City can handle the \$1,000 per month that is being asked. Then there is the issue with the middle section of #9. He believes that Watson is thinking the city wants half of his proceeds if there is a disaster and the building is damaged. That is not the case and he suggested new language to help clarify this. Lakey handed out another draft that he would propose for this section. Language would be clear that each entity would be responsible for the parts of the damage that would be turned into each insurance company. DeGiorgio stated that she didn't think that council understands what is happening. She believes that Watson is trying to get City to pay for the HVAC for the Library as well as increase the rent amount. Ahlborn stated that felt it was the intent of repairing of Library unit and asked if the mother board for the unit in the Library was looked at. Mayor told the group that the repair was to be done. Eilers told the group it had been repaired. DeGiorgio asked if the statement saying the up to \$10,000 for HVAC should be taken out of the statement. Eilers explained how she saw the statement meaning that it COULD cost up to \$10,000 so the extra rent will pay for that. Lakey has contacted the Hartwell agent for the city and will follow up to get an answer. More discussion was regarding the expenses for the library and community center. Also, Emly commented regarding the statement from Watson wanting an agreement by August 15th. Mayor knows that Watson would like to have the lease finished but he will be told that the council meeting will be the 19th. Emly asked DeGiorgio to state her motion again, which DeGiorgio did -- that the City has Mr. Lakey come up with the correct verbiage to make agreement acceptable that would protect the City. Ahlborn stated he didn't feel it was necessary to make a formal motion for the additional process. DeGiorgio stated that she is frustrated with the discussion because the council is being asked to agree to the contract, plus the contract that will be talked about next, and the sewer situation and she pleaded with the other two members to second her motion. Mayor shared with the group a comment that was made to him by a Library Board member saying that he didn't want to raise the rent any more. More discussion regarding the agreement being an auto roll over situation. That is typical for all agreements, however there is language that gives each party 60 days to withdraw from the agreement. Mayor stated that the motion dies due to lack of a second.

7.3 Property Purchase consideration

Mayor told the Council that the Lewis properties just west of City Hall are for sale. The Lots 13 and 14, where the buildings are located have been listed for \$95,000. And the Lots 15, 16, 17 which is the bare lots is listed for \$49,000. Discussion was held regarding the purchase and the council was in agreement that the property would be beneficial to the City. DeGiorgio suggested offering \$40,000. for the bare lots. Ahlborn commented that all the lots are in a prime location and suggested making an offer for all of it. Also, Ahlborn told the group that Clint Berends had told him he would not pay as much as the asking price is. DeGiorgio moved to offer \$75,000.00 for all 5 lots on corner of 1st and Fargo and if that is not accepted, we would offer \$40,000.00 for

the 3 lots on Fargo. Emly seconded. Roll call was taken with the following results: DeGiorgio, yes; Emly, yes; Ahlborn, yes. Motion carried. DeGiorgio suggested that the funds would come out of the General Fund LGIP. There was discussion regarding the process that would take place when the offer is made. Lakey stated that we would want to have an earnest money agreement so that there is time to put things in place. Also there was questions regarding whether a survey should be taken. The title report would give the legal description but maybe a survey would be valuable to know exactly where the monuments are. As the discussion continued it was evident that the council felt like the motion didn't allow enough money for the land. Ahlborn moved to rescind the previous motion concerning purchase offer. Emly seconded. Roll call was taken with the following results: Ahlborn, yes; Emly, yes; DeGiorgio, yes. Motion carried. DeGiorgio moved to authorize the Mayor to make an offer of \$85,000.00 for the 5 lots on corner of Fargo and 1st Street and if offer not accepted, we would offer \$40,000.00 for the 3 lots on Fargo would be offered, with a refundable \$1,000 earnest money upon acceptance of offer. Emly seconded. Roll call was taken with the following results: DeGiorgio, yes; Emly, yes; Ahlborn, yes. Motion carried.

7.4 Approval of Contract Award for Road Chip Seal Project

DeGiorgio stated that she felt the award for the chip seal needs to be tabled because none of the council had seen the agreement and other documents before the meeting. Mr. Lakey also only saw it at the time of the meeting. Ahlborn stated that he agreed if there is no time crunch on this he would rather wait to talk about it. Mayor Porterfield spoke to the importance of getting this approved. This is something that the City has been waiting for four years now, with applications sent two times and finally receiving the grant. DeGiorgio interrupted the Mayor to say that the company that received the award is not listed in the Better Business Bureau. Eilers stated that the \$100,000 for the project has been received from LHTAC. DeGiorgio had questions regarding Notice to Proceed and Final Payment. She asked who wrote the agreement. Mayor stated it would be Crestline Engineering. She had several comments regarding how the agreement was written. DeGiorgio continued down the document asking for explanations of each line as to what each line means. She addressed the other 2 members of the City Council saying that "they" are asking us to sign this without us having time to look at it. Ahlborn asked how did we get the Paving Company, was it by bid? Were they the only ones that bid; do we take the lowest? Mayor stated that the bid was extended to 6 different companies and 3 responded. The Young Paving, Inc. was the low bid and that it is mandated by ITD. Eilers explained that in the State of Idaho any funding between \$50,000 and \$100,000 falls under the semi-bidding process which means there is a written request for bids describing the project; allowance of 6 days to respond and lowest bid is taken. Mr. Lakey had a couple of questions. It doesn't include a performance or a payment bond. Mayor said he would check that the next day. Another statement from DeGiorgio was that the council had voted to spend an additional \$15,000 to take care of shoulder of existing streets before chip seal is done. Porterfield commented that the contractor agreed to do that for us as well as clear low hanging tree limbs so that the trucks could dump without tearing the limbs up too bad. Porterfield showed the council the streets that will be in the project. There are 3 priorities covered: #1 is Notus Rd., 1st Street, Fargo Ave. #2 is Gary Ave., 2nd St., and 3rd St. #3 is Jasper Ave. and View Dr. DeGiorgio asked for the drawings that were referenced in the bid packet to be sent to the council members. Porterfield stated that he had spoken to Crestline and was told that the payment bond paperwork will be sent to be part of the bid. It was explained by the attorney that if the council didn't want to use Young Paving all 3 bids would be rejected and the process would begin again. Ahlborn asked what the time frame is for the grant and if council could review for the next meeting. Mayor explained that the funding has to be spent by September 30, 2019 so there really isn't time to re-open the bids. Also mentioned was the fact that if the funds cannot be spent an extension can be asked for by the end of September. Ahlborn moved the approve contract to do chip sealing and patch work for priority #1, #2, and #3 for \$99,881.60 to be completed by August 31 2019 with verification of performance and payment bonds. Emly seconded. Roll call was taken with the following results: Ahlborn, yes; Emly, yes; DeGiorgio, no.

7.5 Notice to Proceed

This is a form that has to be filled out for the work to be started which would have all the require payment information attached. Emly moved to approve the Notice to Proceed. Ahlborn seconded. Roll call was taken with the following results: Emly, yes; Ahlborn, yes; DeGiorgio, no.

7.6 Tree Trimming Associated with Chip Seal Project

The Mayor explained that there are some trees in town that are hanging over the streets and that the trucks will have issues when they are extended to dump gravel. The city was going to hire someone to do it, however the paving company said they could do it. Ahlborn asked if there was paperwork done for this and Porterfield stated there was not. It was a verbal agreement with Young Paving's workers doing the trimming and the City workers cleaning up the limbs. No decision was necessary.

8. Mayor and Council Comments

There were none

9. Adjournment

Ahlborn moved to adjourn the meeting. Emly seconded. The motion carried. The Council meeting was adjourned at 10:15 p.m.

Respectively submitted by Marie Eilers, City Treasurer _____

David Porterfield, Mayor _____