

NOTUS PUBLIC HEARING AND CITY COUNCIL MEETING MINUTES

August 1st, 2022: 7:00 pm @ Notus Community Center
389 1st Street, Notus, ID 83656

1. Meeting Called to Order

Meeting was called to order at 7::07 PM by Mayor, David Porterfield.

2. Roll Call

Roll call was taken with the following results: Council President, Steve Ahlborn, Councilwomen, Michelle DeGiorgio and Bonnie Emly, Councilman, Devin Krasowski, present. Also, present Mayor, David Porterfield, City Attorney, Joe Southers, City Planner, Antonio Conti.

3. Pledge of Allegiance

4. Consent Agenda, ACTION ITEMS

4.1 Disbursement List

DeGiorgio wants to see proof that the insurance company will pay for the damage to the backflow device on Conway and Kremmwood. Also wants to know when it is paid back to us. She wants more detail on what was done at 228 Elgin within the right of way and what is contractor hourly rates. Ahlborn motioned to pay the disbursements adding in the Parma code enforcement invoice for a total of \$13,307.80. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, DeGiorgio; no, Emly; yes. Motion carried.

4.2 Council Meeting Minutes

Krasowski motioned to table the approval of the meeting minutes from July 18 public hearing until the hearing has been closed. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; yes, Emly; yes. Motion carried.

4.3 Committee Meeting Minutes: Library, Community Events

Ahlborn motioned to accept the Community Events meeting minutes from July 25, 2022. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; yes, Krasowski; abstained. Motion carried.

5. Continuation of the Public Hearing for the purpose of considering a request for annexation of 39.03 acres, rezone, and preliminary plat of 39.16 acres located west of 3rd Street and north of Hwy 20-26/Elgin Ave. Parcels R3859101300, R3859201000, R3859100000 Canyon County, Idaho.

5.1 Mayor reconvenes public hearing

Mayor resumes public hearing from July 18th, 22 as per motion made.

5.2 Council, staff discussion

Mayor stated that this will be the time to compile a list of questions for the developer to answer. DeGiorgio wants to know if there is enough room for this development in our water and wastewater systems. Mayor stated our Wastewater capacity is for a population of 900 people. Krasowski commented that this development would put us right up to capacity. Emly asked about response from the schools. Developer representative Jane Suggs shared an email from the past school superintendent, Tana Kellogg dated January 3, 2022 stating that both schools are at about half capacity. Ahlborn is concerned about Black Canyon Irrigation district and what would be worked out with them. They have been doing what they have been doing for a very long time. (Parking and moving large equipment on the road) DeGiorgio read Idaho code 50-311 CREATION — VACATION OF STREETS — EMINENT DOMAIN — REVERSION OF VACATED STREETS. She also reads Idaho code 7-7 EMINENT DOMAIN. Ahlborn asked what concern she has, as it relates to what she just read. DeGiorgio stated that for anyone in favor of this needs to know that later there could be eminent domain and their property taken. Krasowski stated he hoped she would have had something more pertinent, that is state statute, whether a subdivision goes in or not, so what are you going to do? DeGiorgio commented she is just letting her constituents know. Mayor stated that the applicant will answer these questions during the BUSINESS portion of the agenda. Krasowski is concerned about the population increase. Ahlborn understands that but the other side of that is we can't have a grocery store without growth to support it. Another concern of Krasowski is about nuisance of construction, well has great capacity but no redundant source of water, with this development our wastewater would be at capacity, and increased traffic in town. Ahlborn feels that 3 accesses to 3rd Street

is problematic and Tuttle lane access needs a solution. Emly asked if it would be townhouses or duplexes? Would need 65 ft lot for townhouse. Nothing against renters, but owners seem to care more about their yards. She liked that the undeveloped land can be farmed until the next phase of building is started and that there is commercial land for future businesses. She also doesn't understand why we can't tell the post office to expand. DeGiorgio asked again how many rentals there will be. Mayor has concerns about the traffic and improvements planned for 3rd Street, we need a very adequate street there. Krasowski asked if we don't approve will developer go to the County for approval. Jane responds that decision would be up to the developer to do that or not but would like to work with the City instead. Mayor opens to audience questions: Kevin Smith of 336 Fargo Ave, asked that there be enough room for RV, Boat, ATV parking off street. Green space needs to be open to the public or there will be friction. Amelia Paz, 742 View Drive, asked about farming and irrigation of the area. Jane stated irrigation will be figured out when construction drawings are done. Lupita Connor, 603 Notus Rd. wants more information on City website like system capacity. City Clerk said that everything is available at City Hall for review or to get copies. Lupita asked what company validated capacity of water and sewer. Other questions were the taking of land for roads, the dangerously narrowness of Jasper and 3rd Street, increased traffic, eminent domain and half of each side being taken, meeting notification, CBH concerns. Kevin Smith asked if there has been talk of the taking of property for 3rd Street (improvements). Mayor stated no, there has not. Willie Lovitt, 216 Hailey Ave. stated subdivisions are nothing but a headache. Richard Wallace Sr., 506 3rd Street, commented that this is not a good thing for any of us. Randall Taylor, 348 Elgin Ave., commented 3rd Street should be completely done and the park done with phase one. All agreement with CBH must be in writing. DeGiorgio commented she would like to see a timeline for the building phases. Jane stated yes constructed in phases and that timeline will depend on the housing market, they don't build houses to sit. DeGiorgio reads Idaho code 67-82, development Impact Fees. Ahlborn commented that is a great concern making sure impact fees are in place so developments are paying their fair share of infrastructure costs. Krasowski commented that would be a condition of approval if we could figure it out. Notus Public Works Supervisor, Tyler Martin commented that he is in favor of the development, the revenue would go a long way in paying for improvements needed to our infrastructure. Citizens seem to care about water capacity, sewer capacity, streets and if the City is going to pay for it. He thinks that these 4 things the developer can take care of. From his opinion, we need a new well and some upgrades to our sewer. And certainly, upgrades to 3rd street. If developer were to help, it would alleviate a lot of residents' concerns. Need to be taking care of our future. Mayor commented that a water testing station installed in the subdivision would be appreciated.

5.3 Mayor closes public hearing

No Action taken

****CLERK NOTE**** Ahlborn asked if a motioned was needed to close or leave open the public hearing. Mayor stated it would be discussed at item 6.4. Attorney commented it is ok to continue business meeting without action on 5.3. ****CLERK NOTE**** See item 6.4 for motion to continue Public Hearing on August 15, 2022.

6. Business Items

6.1 Valley Regional Transit Annual Report, Mark Carnopis

Mark Carnopis from Valley Regional Transit reported that ridership is up 95% of capacity. They currently have 12 electric buses. They would like to expand the regional van pool coverage. They are taking baby steps as the population increases and growth is moving to the west.

6.2 Development Fee/Impact Fee Alternatives, ACTION ITEM

Mayor commented we will be making preparation and get better understanding of items from past meetings. Consider the topic of impact or development fees as we approach the subject of how this is going to be paid for. Not talking about this development before us now but other developments. Should be able to treat current residents and developers fairly. There are specific steps to implement impact fees. Krasowski asked when is it appropriate for development to pay for more than itself? Our water system has some concerns and at some point, will need to be replaced. Connection fees cover maintenance not improvements. Impact fees are not for water or sewer. That's where connections fees come into play. First must have a completed Comprehensive Plan and Capital Improvement plan. Capital improvement plan will have improvements from our 2017 Wastewater Facility plan and the current 2022 Drinking water facility plan listed. Impact fee is dedicated to a specific project and is implemented at the building permit stage. Impact analysis process studies project's needs, growth projections, revenue/expense projections and other relevant items to reach conclusions. Impact fee advisory

committee is required as part of the process. Company's that do this type of analysis come with a cost. Another tool that cities use when preparing for impact fees is a moratorium. Ahlborn asked if impact analysis is mandatory or can we do some work now, work with our engineers and refer to our current studies and facility plans. Mayor stated that one of the things a company like this will do is come to us with comprehension of market analysis, financial analysis, and ability to look at the current infrastructure, its age and type. Compare that with other cities and entities that have been through this process before. To give guidance about the steps and amounts suitable for our locality. City Planner stated that if we use a company to do this, we are covered if any of this goes to court.

6.3 Future Development Moratorium, ACTION ITEM

Moratorium is tool, a pause in the action to implementing fees or impact fee. Time period is no longer than 182 days and must identify the damage or adverse effect on community if we don't take this step, required by state code. Items that can be put on hold are application process, limitations on construction/annexations. Can not apply to any currently accepted completed applications. The benefit of a moratorium is it gives time to put fees in place and proposed applicants don't waste their time. Ahlborn reads Idaho Code 67-65, Moratorium, timeline. City Planner, Antonio commented that one drawback is if we miss this round of development, we may have to wait for next round which could be months to years. Means no additional income from development to help drill a new back up well. Moratorium is by ordinance and can be amended later. Krasowski commented let's focus on getting back on plan with fees in place. Charged at building permit stage, on empty lots not on remodels. City Planner commented the first building permit for current request would not be until at least June of next year. Plenty of time to get everything in place. Also, moratorium is a bad word to developers and current noted deficiencies cannot be funded by proposed developers. If you set the impact fee at the building permit stage now, the next developer will also be at building permit stage not at application stage. Ahlborn commented that if they stop building for whatever reason, we wouldn't get the fee but if we set them at the plat level we would get the fee upfront, before building takes place. Krasowski commented, before we move on, don't we want to focus on comp plan, capital improvement plan and impact fees? Why don't we just do a moratorium? DeGiorgio asks about building slow down/stop, what then. Jane answered that is why its done phase by phase. Could take months or years to complete the build. Ahlborn stated that considering moratorium, the two things he has heard are these streets are not good, this sewer is not good. Who's going to pay for them? Council and Mayor agree to move on to next topic. No decision.

6.4 Consideration of Request for annexation of 39.03 acres, rezone, and preliminary plat of 39.16 acres located west of 3rd Street and north of Hwy 20-26/Elgin Ave. Parcels R3859101300, R3859201000, R3859100000 Canyon County, Idaho. ACTION ITEM

****CLERK NOTE**** Clerk verifies with City Attorney that this meeting is still part of the open public hearing. She stated she believes that the public hearing is when the questions are asked and answered. She stated that she is uncomfortable with this being an action item for decision at this time as it is her understanding that decisions are not made during public hearings, but after closure of a public hearing meeting. Attorney stated that if there was no action taken to close the hearing then it is still open. Mayor stated that tonight was to get list of questions for Developer to answer. Many people have left so we will continue this at the next meeting. List of questions gathered tonight will be sent to Jane for the next meeting. Krasowski motioned to continue the public hearing on August 15, 2022. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; yes, Emly; yes. Motion carried.

6.5 Foregone Request Resolution, Approval, ACTION ITEM

Krasowski motioned to approve the Foregone Request Resolution. Emly seconded. Roll call was taken with the following results: Krasowski; yes, Emly; yes; Ahlborn; yes, DeGiorgio; no. Motion carried.

6.6 Approval of Tentative FY 22-23 Budget, ACTION ITEM

Motion stands from last meeting.

6.7 ICCTFOA Conference Attendance, ACTION ITEM

Krasowski motioned to allow City Clerk to apply for scholarship and to attend the ICCTFOA Conference in Coeur d'Alene. Emly seconded. Roll call was taken with the following results: Krasowski; yes, Emly; yes, Ahlborn; yes, DeGiorgio; no. Motion carried.

6.8 Catch Basin at City Hall Task Order Approval, ACTION ITEM

Mayor stated the area retains water and is undermining the area around the light poles. Council wants more information before approval.

7. Mayor & Council Comment

Mayor reminded Council of the online webinar, ROLES AND RESPONSIBILITIES FOR CITY OFFICIALS sponsored by ICRMP on 8-10-22 @10 AM. Krasowski would like an update on the HB 389. Krasowski stated that he is studying for his Engineering license test and needed to limit his attendance to extra workshops through August or resign his position. Ahlborn stated that he appreciates Krasowski's knowledge and what he brings to Council.

REMINDER ice cream social is tomorrow night from 7-8:30.

8. Adjournment

Krasowski motioned to adjourn. DeGiorgio seconded. All in favor. Motion carried. Meeting adjourned at 9:54 PM.

Respectfully submitted by Loretta Vollmer, City Clerk _____

Approved by David Porterfield, Mayor _____