

# NOTUS CITY COUNCIL MEETING/Public Hearing & Hearing Continuation Minutes

August 15th, 2022

7:00 pm @ Notus Community Center  
389 1<sup>st</sup> Street, Notus, ID 83656

## 1. Meeting Called to Order

Meeting was called to order at 7:09 PM by Mayor, David Porterfield.

## 2. Roll Call

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

## 3. Pledge of Allegiance

## 4. 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.

Mayor resumes public hearing from July 18<sup>th</sup>, 22 as per motion made on August 1<sup>st</sup>, 2022. Jane Suggs from Gem State Planning, representing Trilogy Development responds to questions from previous hearing. School capacity: She received a response from the new Notus School District Superintendent, stating that they have capacity in all of the schools. He does talk about things that may impact the schools in the future as growth may continue. Street crossing issue: Black Canyon Irrigation complaint. This is an issue between the City and Black Canyon Irrigation because it is not an issue that was created by this proposed development because development does not front on that portion of the street (3<sup>rd</sup> Street). Eminent Domain: Issue was brought up by Councilwomen DeGiorgio, but this doesn't impact this project because as private developers we can't use eminent domain. We can only work on our own property or the right of way. 3<sup>rd</sup> Street renovation: This will be along our property frontage only. There will be no work done on the east side of 3<sup>rd</sup> Street, that is privately owned. Standard improvement is 24 ft of asphalt pavement with curb and sidewalk. Population increase: This is within your city 2020 Comprehensive Plan. That plan indicates guidelines for growth and zoning. The increase population may contribute to the growth of services described in the plan. There are commercial areas along the Hwy as described in the plan as what the City wants. Some of the tax revenue that will come with this project of 139 dwelling units and city fees that will be collected through the building process. The City of Notus each year, based on the value of homes, will receive \$110,000.00 in tax revenue, after build out. The Notus schools will get \$192,000 each year. Building permit fees paid out will be \$865,000.00. Most goes to the City Building Inspector and some the city retains. Sewer hook-up fees would total \$535,000.00 with duplexes only requiring one per building. Water hook-up fees would be \$556,000.00. Not looking at the split, almost 2 million in fees will be paid by the developer. Scenic views: There is no code for restriction on "view sheds". Pretty views will be affected. Hassles of new construction: This will require some heavy equipment, some grading, utility construction, road building, and home building but steps can be taken to lessen the impact of that. City can ask for water trucks to water for dust control, limit hours of construction, all as a condition of approval. Increase of traffic through town: Yes, there will be hopefully more cars visiting all the new businesses popping up from all the new residents. New homes mean new neighbors. Increase traffic also means you will have new friends and new business opportunities. Stub streets: Future extension streets to the north and to the west. Town houses versus duplexes: Concern was that someone might rent town houses. Plat change could take out duplexes and put town houses around the park area. Changes from 99 single family homes to 115. Had 20 duplex buildings (40 units), now have 9 buildings (18 units). Number of dwelling units went from 139 to 133. This change could be part of the conditions of approval. RV and boat parking: will not be in plan. Farming: Any portion of the property that is not under development can be farmed with irrigation water available for that use. Mail delivery/zip code; We can't tell the post office what to do. They will determine how best to service the new residences. Park access: The park area will be owned and maintained by the HOA. It will be a private park but not a restricted park. Anyone can use it. The developer drove by the water tower park and would like to improve that area by installing a cement pad and shade structure for picnic table. Another condition of approval. Irrigation: Project engineer met with Vince from Famers' Co-Op onsite. Vince asked that a pump station be added to the site and developer agreed to do that. Another condition of approval. There are 21 shares of water, and each share is equal to 2 acres of water rights, site is 39.16 acres so there is plenty of water for irrigation. CBH concerns: Corey Barton is Idaho number one home builder. Built over 23,000 homes. Building since 1992. He does give back to the community. Park will be included in the first phase. Improve all of 3<sup>rd</sup> street with first phase: Won't do that. Will make improvements as the development is built out, in phases. A traffic study was completed as part of the process to get a access street directly onto the Hwy. ITD requested that that the center turn lane be extended past the development for safety. Building phase timeline: each phase normally takes one to two years. It will depend on the market conditions. If sales are good, one phase could be built each year. We don't build houses to set empty.

Impact fees: Developer will accept a condition of approval to pay impact fees if there is a legal ordinance, pay at building permit stage. Would be this time next year before a first houses go in. So, get busy. Get your studies done and impact fee ordinance in place and if its part of your code, we will pay those fees at building permit stage. So, there is the commitment from the developer to help through that process. Those fees have to be based on a plan. Water testing station: can be added to the development. Additional condition of approval. Will serve letter: Don't need a will serve letter until construction drawings are prepared, gone to city for review, approval from Council for each phase, all which can change. At that time then a will serve letter is given for that phase of construction. If you approve the project tonight you are not issuing us a will serve letter. We hoping that in the future you will have capacity for water and sewer. Have time to work on that because it will be 4-8 years before that last will serve letter will be issued. Tuttle Lane: Revised plan for Tuttle Lane area. Removing one access point onto 3<sup>rd</sup> Street, stopping 3<sup>rd</sup> Street improvements at Tuttle. Several more existing houses on 3<sup>rd</sup> Street won't see traffic from development. Three access streets, one will be from Hwy, one on 3<sup>rd</sup> Street at Jasper, another on 3<sup>rd</sup> Street between Jasper and Hwy. City owned streets can be improved with impact fee collection. Drainage design for 3<sup>rd</sup> Street: Curb gutter and sidewalk with infiltration and catch basins to catch the drainage. All this happens on the west side of 3<sup>rd</sup> Street, from center line over. Nothing will be done to the east side of 3<sup>rd</sup> Street (that's private property) . Guarantee that HOA and CCR's will be maintained for control of common areas: CCR's are written with a clause that they are to exist in perpetuity. They will include a section on common area maintenance. Developer or HOA control over rentals: Neither the developer or the HOA will control any of the rentals or duplexes. They are private property. Shovel ready commercial lots at first phase: Not going to prepare for Commercial development until there is commercial interest. Commercial comes when people are there. With all the changes made there are 6 units less than originally planned. More single family residentials and dropped to 9 duplex buildings. Mayor opened to public again. Lupita Connor, 603 Notus Rd, presents a petition to slow growth by moratorium, signed by 49 residents of Notus. Stating that the purpose of this petition is to document citizens concerns regarding future development. Concerns such as an increase in taxes, an inadequate water and sewer system, expansion of traffic on undeveloped roadways, and property taken away by eminent domain. The signed request a moratorium be placed on new applications for development. Most importantly, input from every resident should be elicited. Every resident should be informed and included in the decision-making process. (petition will become part of the public hearing written response against approval of request) She wanted every resident to receive notice in mail about hearings and meetings. Mayor informed her that would not be possible due to the budget restraints. Notices are posted at post office and City Hall bulletin boards and on city website. Dana Loring, 435 Jasper Ave, is concerned about Jasper Ave condition and the increase in traffic. Asked if Jasper would be improved. Mayor stated every street in the older part of town is being considered for improvement. Jasper is most important and currently City has a (free) grant application in for a study and preliminary design to rebuild Jasper. The right of way is 60 ft (30 ft each side of center line). Would have curb gutter and sidewalk, with minimum impact on private property. Chris Grooms, 694 3<sup>rd</sup> Street, concerned about a walking path along 3<sup>rd</sup> street above Jasper Ave. Dorothy Grooms, 694 3<sup>rd</sup> Street, concerned about maintenance of commercial property area until it is built on. Also concerned about approving annexation before ordinances are in place. Mike Vorse, 677 View Drive, concerned about the widening of 3<sup>rd</sup> Street and tubed irrigation water on the property and open or closed irrigation ditch. Roberto Bahruth, 621 Notus Rd, if the public will of the current residents here is against this project, do you represent the constituents? If you do knock this project down, what's the track record of development to not go to Canyon County and ask them to override this Village. That must be considered. Also, concerned about impact fees for developing other side of 3<sup>rd</sup> Street. Linda Vorse, 677 View Drive, asked what does this little town have to offer? No medical outlet, crowded schools, can't get in and out of the post office, no grocery store. Nothing to offer a housing development with that many houses in it. Randall Taylor, 348 Elgin Ave, not against project just want current citizens protected that elected you to represent us. Why so many hearings and still no moratorium or impact fee. Tyler Martin, Notus Public Works, understands citizens concerns. Considering the revenue standpoint, if we don't get it, what are we going to do? What if well #4 goes down? We don't have enough in the bank to put a down payment down for a new well. So, then what happens? We have no water, so the City of Caldwell is going to come and take us over. If you don't like the City of Notus, you sure won't like the City of Caldwell. Mayor asks for anymore questions or comments. Applicant rebuttal time.

Jane Suggs, applicant: Request for a moratorium: Would not affect this project at this late stage normally. Meeting notification: Notices are by code and not everyone gets personally notified. Signs were posted on property and notices were posted according to code. Jasper Ave.: Extension of Jasper Ave is on project property, not off project property. That is City issue. 3rd Street: Change on plans up to Tuttle Lane with sidewalk and continue of green space. Commercial lots: Lots will be maintained (mowed) until sold. Impact fees: Require an ordinance, a process and is specific to each City. Traffic and schools: Letter from Superintendent stated subdivision is located within the 1.5-mile zone that typically would be considered a walking zone but currently the lack of infrastructure (city sidewalks and streetlights) down Notus Road to Notus schools allows for us to identify most of the address within a safety zone, that allows us to bus students. Water shares: Irrigation shares for irrigating and potable water will be obtained from the City. They are working with farmers Co-Op on that. What does the city offer: A great community that can be better with development. With an influx of people, could bring more

services. Curb on West side of 3<sup>rd</sup>: There will be no improvement of east side, only along west side which will be ½ street plus one lane for a total of 24 feet width of asphalt with curb and gutter. Notification: Every county listed property owner within 300 ft of the development have been mailed a notice of the public hearing as required by code. Jane thanks residents for participating in this hearing process. Mayor states that the developer has met the requirements for notifications. City has met the notice requirements also. What we are realizing through this process is that that may not be enough. Just so you realize if we were to mail out notification of this hearing to every resident, that would take 3/5 of our budget for postage. So, you say just increase the postage budget, easier said than done. We rely on the revenues that come from the State and County (which are decreasing). Clerk has begun to collect email addresses for a notification of meetings, hearings, and events. But realize we work on a very limited budget so we can't always send out notices to everyone. Roberto Bahruth suggested one mass mailing with approve or disapprove and then you have a really good finger on the pulse of what Notus is about. That would be fair, finding out what your constituents want. Developers don't just go away because the City Council disapprove it. They go to the next level. Happens time and time again. Mayor stated we can't do a approve/ disapprove in that manner without having the input from the developer and presentation from applicant. All as per state code as we have been doing. This public hearing is still open. We are trying to satisfy public opinion while breaking as few rules as possible. Want people to understand that we are trying to walk a narrow road here but want to hear and understand public concerns and act accordingly. Lori Dana commented, I don't think your taking into consideration the citizens that live here. This will affect everyone along Jasper. Krasowski motioned to close the public hearing. Ahlborn seconded. Mayor asks if there are anymore questions or concerns to be answered by developer. DeGiorgio commented that the only thing is that doing only ½ of 3<sup>rd</sup> street is not going to work. Its frugal and wants a study from some street developer that what your doing is not going to affect the... NO, I don't want OUR planner, to do it. People are concerned about the road breaking off, cause that's what's going to happen. Audience disruption that City Attorney addressed. Motion roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; no, Emly; yes. Motion carried.

## 5. BUSINESS ACTION ITEM

### 5.1 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

Krasowski commented that there is a lot to talk about but to save time I motion to deny the annexation, rezone, and preliminary plat application. Ahlborn seconded. Krasowski commented that saying yes would be changing the character of the town, just a little bit before we're ready. We will be ready if we put the effort into it but I don't know if we are quite there yet. The state statute LLUPA, Local Land Use Planning Act, It lays out the notification plan and if we as a community need to do something more than that then we should so that we are ready for next time. I just made a motion for a no and I'm OK with a no but you need to understand that if we are going to make construction improvements and improve our roads then we need to be ready to foot the bill ourselves as a community. Every time we increase anything by one cent, we get pitch torches and forks. If this goes to Canyon County, it will be at least a year down the road and that would be battle as well so I'm not worried about that. Emly commented she was excited for a chance to make our city grow. The "village" did not want Kremmwood (subdivision) either. She is torn. There were so many things about this that she liked. Is worried that if they go to the County, 5 years down the road everyone is going to point their fingers at us (Council) wondering why we didn't annex them in and have them be part of the City. They could put a M&W Market in and that wouldn't be Notus it would be County. But that's just my opinion. Krasowski commented to stay excited because it's not going away, there's just stuff to do first. Emily stated it is hard to stay excited when you have someone out there lambasting you sometimes. DeGiorgio stated it is unfortunate. Don't think that we haven't look at the full picture of it all. Everyone needs a place to live and Notus is a wonderful place to live. I believe we're all just trying to do the best we can. Sorry that it feels like you've (Jane) wasted your time. I see the disappointment and hurt in your face. I'm sorry that it's there and I understand your grieving of the project. But that's not to say that we, as the City can't get together and figure out exactly what it is that we, as a community, need to come together and bury our past grievances with Council or Mayor or one another. If we want our community to grow in a positive way for our children and grandchildren, we've got to actually work together. Show up at the meetings. There are two meetings a month. First and third Monday's if that's a holiday, it's on Tuesday. So, show up to our meetings. See how we are truly trying to make our community grow in a positive way, where everyone is happy. Ahlborn commented that he totally agrees with Emly. Thinking that there is a possibility of more people coming in to this great area. Possibly revitalizing the area. Also agrees with Krasowski that its not quite the right time for Notus. We are not in the process that other towns/cities have been in, in getting all the things we need to do started, no blame on us but when Kremmwood was put in, a lot of these things were not done then at that point. We have to put those things in. We were working to put those things in, but until those are done, we

can't answer to impact fees and the things that we need to be able to say "this is what these fees will cover and yes, your concerns will be addressed through these things." Once we can do that, I think we have room to say "hey we're going to answer your concerns, we will represent you". I think Public hearings, there are lot of them, and they are long, I get it, but we haven't had anything since Kremmwood. This won't be the last of these meetings. I think we have work to do in getting this completed to look at the next, and hopefully this, project. Citizens need to realize change is coming. Change is not easy to accept. What has happened in the past 30 years down Jasper Ave. won't be the same because there will be more cars. I drive those roads at most times I am the only car on the road, literally. What "all those cars down the road" are you talking about? I don't see it as other may see it. Yes, there may be a lot more traffic, but I don't see that as a bad thing. But I don't think the time is right, yet. That's all I can say. Mayor asks if there is anything else. Mayor stated he appreciates the comments and insight. He believes Notus has many good things that can be attractive to many different kinds of people. There's not a likelihood that we are going to stay the same size as we are now and still exist. If you don't know it, cost of operation is going up tremendously. Cost of maintenance, cost of materials, everything is going up and its not going to come down. One of the good things about development is it gives you more people to share those expenses. It provides the ability to improve infrastructure things that we really can't do without more people participating. The Mayor of Caldwell told me the other day "well we've got some great plans for I-84 and Hwy 20/26 and there will be at least 500 new jobs that will come to that intersection." I don't know what they are doing/planning. What I am saying is that's an opportunity that Notus could have to provide homes for those employees. Could intersect with another entity in terms of what's growing, by having some kind of participation in that. We are going to face that as one other gentleman made an observation in these hearings. Either Notus is going to grow with that, or we are going to lose it. If we don't grow with that then we smash those opportunities, one by one. I would hate to see us do that. So, I think we need to be careful in what we do with this kind of action. I do want to listen to the people that have responded here but we have to make a decision. But I really feel that we need to be careful with what we do, yet if it is your decision that now is not the time, then we will continue with the steps forward and put the pieces together in the best way we possible can. When it is the right time, we can be prepared to take advantage on whatever comes. Thank you for your deliberation and for listening and thinking thoughtfully on all these things. Krasowski commented that it would be nice to focus on these things we need to do to get ready. If we get some good folks and consider a moratorium, in 6 months I want to stop people from getting the wrong idea and talking about how much single family residential we were anticipating in the future. We used some broad ideas in our Comp Plan map a few months ago. I am interested in revisiting that. A full build out at the typical density is like 7000 in Notus and we don't want that. If we can't sit here and say we want 400 people here then not 7000. Just something for down the road. Clerk rereads the motion on the floor: Krasowski motioned to deny the annexation, rezone, and preliminary plat. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; yes, Emy; no. Motion carried.

**CLERK NOTE\*\*** City Clerk reminded residents that there is a resident mass email list for notices of meetings, public hearings and events. Let Clerk know if you want to be added to that list. Also, notices are posted on City website: notusidaho.org along with City codes. City does not have, nor plans to have, a face book page. ALL MEETING NOTICES ARE ON THE POST OFFICE AND CITY HALL BULLETIN BOARDS as required by State Code.

**6. PUBLIC HEARING for the purpose of receiving public comment regarding proposed FY 2022-23 Budget which includes \$1007.00 of forgone property taxes in the Street Fund intended to partially fund street lighting.**

**6.1 Mayor opens Public Hearing**

Mayor opens public hearing at 9:07 PM.

**6.2 Verification by City Clerk that Public Hearing was correctly advertised**

City Clerk verified the public hearing was correctly advertised and published.

**6.3 Review of Proposed FY 2022-23 budget**

Treasurer reviewed the FY 2022-23 budget with Council \$795,772.00 that includes \$1,007.00 of foregone. Mayor commented that council will see the budget is slimmed down from last year, cuts made from water, sewer, and general fund.

**6.4 Written Correspondence Submitted for the record**

None submitted.

**6.5 Public Testimony from those in opposition**

None.

**6.6 Public Testimony from those neutral**

None.

**6.7 Public Testimony from those favor**

None.

**6.8 Comments from Mayor and Council**

None.

**6.9 Mayor closes Public Hearing**

Hearing no other comments or concerns, Mayor closed hearing at 9:14 PM.

**7. Consent Agenda, ACTION ITEMS**

**7.1 Disbursement List**

Ahlborn motioned to pay the disbursements in the amount of \$1,520.83. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, DeGiorgio; no, Emly; yes. Motion passed.

**7.2 Council Meeting Minutes**

None submitted.

**7.3 Committee Meeting Minutes: Library, Community Events**

Ahlborn motioned to accept the Library meeting minutes from May 11 and June 8, 2022. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, DeGiorgio; yes, Emly; yes. Motion carried.

**8. Business Items**

**8.1 Approval of FY 22-23 Budget, ACTION ITEM**

Ahlborn motioned to approve the FY 2022-23 budget in the amount of \$795,772.00. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; no, Krasowski; abstain. Tie vote. Mayor votes yes. Motion carried.

**8.2 Budget Appropriations Ordinance for FY 2022-23, Proposed Ord #476, Approval, ACTION ITEM**

Ahlborn motioned to dispense with the rule requiring ordinances be read on three separate days and once in full, and that the ordinance be read once. By title only. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; yes, Krasowski; yes. Motion carried. City Clerk reads FY 2022-23 budget appropriations ordinance by title only. Krasowski motioned to approve FY 22-23 budget ordinance # 476. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, DeGiorgio; no, Emly; yes. Motion carried.

**8.3 Library Board Request for Employee Policy amendment, ACTION ITEM**

A letter for the Library Board, Carol Porterfield, Roberto Bahruth, and Ronda Krasowski was submitted to the Council. Council requested a representative to make request in person before a decision was made.

**8.4 Catch Basin at City Hall Task Order Approval, ACTION ITEM**

Mayor reviewed the problem with standing water and drainage again. Standing water can compromise the parking lot surface especially around the light poles and needs to be drained off the area. Fargo side has a current catch basin with a 2" pipe (outlet) that is not sufficient for the amount of water flow. Notus road side, water puddles and holds a large amount of water. We need to drain it off. We can try to combine the projects to reduce costs. DeGiorgio would like to know what it would cost to repair every street in town. Mayor commented that the last cost estimate suggested was 9 million dollars (transportation plan).

**CLEREK NOTE\*\* DeGiorgio leaves at 9:45 pm.**

Ahlborn motioned to deny the task order. Motion dies for lack of second. There are other streets that have standing water issues. 1<sup>st</sup> Street near glass shop and areas along 2<sup>nd</sup> Street. Krasowski motioned to accept the task order for the design but not the construction oversight, Tyler can do that. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, Emly; yes. Motion carried.

**9. Mayor & Council Comment**

NONE

**10. Adjournment**

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

Respectfully submitted by Loretta Vollmer, City Clerk \_\_\_\_\_

Approved by David Porterfield, Mayor \_\_\_\_\_