

# NOTUS CITY COUNCIL and PUBLIC HEARING MEETING MINUTES

August 21<sup>st</sup>, 2023 @ 7:00PM

at Notus City Hall, 375 Notus Rd, Notus, ID, 83656

## 1. Meeting Called to Order

Meeting was called to order at 7:03 by Mayor, David Porterfield.

## 2. Roll Call

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

## 3. Pledge of Allegiance

**NOTE\*** Mayor stated the agenda topic items will be moved around in consideration of physical limitations tonight. Item 9 topics will be dropped down and item 10 will move to the 9 position.

## 4. Public Hearing to receive public comments regarding the following: Boise River Pack, Inc, applicant, represented by Kim Cleaver, of 170 Notus Road, seeking approval of an amendment to their approved Conditional Use Permit on commercial zoned property located near the southwest corner of Notus Road and Hwy 20/26 at 170 Notus Road, Notus, ID 83656. Also known as parcel #R38585 on Canyon County Assessor records. Applicant is asking for AMENDMENT to the State fire flow requirement at new onion storage warehouse approximately 26,250 square ft., 350ft x 80 ft., located near the current storage shed.

Mayor opens public hearing.

Mayor stated, as it relates to ExParte' communication, that he has had meetings with Boise River Pack's Board and engineers trying to help facilitate the water need request. He has had no further contact with them since the application for an CUP amendment has been submitted. He asked Council if they have any ExParte' contact to declare. None declared.

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

Boise River Pack GM Kim Cleaver addressed Council. He thanked Mayor and Council for their consideration. He apologized for not being a better public speaker. He stated that fire safety is to protect the occupants of a building. This building is for storage of onions. Once onions are in place, there will be no one in the building, to protect the right atmospheric conditions. They are asking for a reduction to the fire flow that would better align with current city water system. This reduction would not affect the safety of employees in the case of a fire. Other solutions have been looked at: ground well, little chance that it could produce the amount of water needed. A wet well: French drain type using the river and that would take at least 6 months to get permitting. Third option would be a sprinkler system. They think that is the worst option since a frozen water line or hitting/breaking a sprinkler head is more likely than a fire and could lose an entire crop. If reduction is allowed as an alternative BRP could give long term assurances to help with the City systems. They are asking for permission to use the building as it was allowed/permitted to be built. Grant an occupancy permit that's on hold because of the question of fire flow. Krasowski asked if they had talked to Alan Perry, Caldwell Fire Chief. Kim said the engineers have.

City Planner, Antonio Conti reviewed the Staff report with Council. The application fits with City Comprehensive plan. *The international Fire code specifically states the fire code official is authorized to reduce the fire-flow requirements for isolated buildings or group of buildings in rural areas or small communities where the development of full fire-flow requirement is impractical.* He recommends denial of the application for that reason. Council could remove the requirement from the original approval of the Conditional Use Permit by amending it, if they choose to. DeGiorgio commented that it would be the Fire Chief that would have the ultimate decision. City Clerk stated no written comments were submitted for the record.

Mayor stated no public signed in to speak either against or neutral on hearing topic. Signed in to speak in favor: Mayor recognized Randall Taylor of 348 Elgin Ave, Notus to speak. Mr. Taylor stated there are no residences close to the building. If there is a fire, they lose onions. Very little chance of anyone being injured. Its too easy to just accept the international fire code, international zoning, International Building code when they don't mean squat to little Notus. We need to support our agriculture industry. Onion shed is a local employer. This is not Boise, its Notus. There is no reason to hold them to the strict requirements of the international fire code. Let them move forward as onion season is starting.

Kim stated that reduction in fire flow requirement is allowed by code for situations like this.

DeGiorgio asked what would happen if there was a fire at the onion shed and another house caught fire. Because we (council) gave the ok and our houses burn down because we were saving someone's crop. There's not enough water to fight both.

Kim stated that, in reality, he would just as soon that they didn't show up to a fire. If there was a fire the building would be destroyed and the crop destroyed. Boise river pack is insured for that situation. They would prefer them to fight the house fire. BRP has always been in good standing with the City.

Mayor closes public hearing.

## **5. Special Business Action Item**

### **5.1 Proposed Amendment to Conditional Use Permit at 170 Notus Rd, Notus, ACTION ITEM**

Krasowski commented that the Fire Protection District board with Fire Marshal would be the ones to allow reduced fire flow. You (applicant) could ask for a deviation of the fire officials' decision to the district voting board of the fire protection district. That is the proper way to do this. Then we would need a letter from the Fire protection district to reduce fire flow. Then the experts have spoken, and we could take action. He also feels handcuffed because the use over there is a conditional use permit. But from his understanding there is a fire protection board that would make that decision. It doesn't matter if we adopt the international fire code because the state did, and we are bound by it. It's not our call to make. It's desirable to make this work by granting the occupancy permit but we must consider fire code. The mayor stated that the Fire Official has the authority to reduce fire flow requirement. Fire flow is not going to be met. Is there anything we can do towards meeting fire flow requirement that will allow BRP to use the building? Can we offer a temporary occupancy permit and allow time to fix this issue? Attorney commented Council could issue a temporary Certificate of Occupancy. Mayor asked if additional firewalls would reduce fire flow requirement anymore? Fire Manager Mark Wendelsdorf stated that was discussed but that they were not feasible. Kim stated that would not work as designed due to controlled environment putting so much air into each section. DeGiorgio reviewed the letter from the City Planner, item K.1 Applicant is required to submit a letter from the Caldwell Fire District complying with section B103.1 of the international Fire Code which stated, 'Fire Code Official is authorized to reduce the fire flow requirements for isolated buildings or group of buildings in rural areas or small communities where the development of full fire flow requirement is impractical'. The letter should allow for waiving of the requirements outlined in the letter dated 10/14/22. The onion shed has been preparing for this season for this long (since 10/14/22). She feels that until we get a letter from the fire official, we are in compliance. They shouldn't need the Council to say yes, we will waive that. They have been working on this issue since 10 of 2022, this is 8 of 2023. Mark Wendelsdorf stated that on 10-14-22 they were advised of what the fire flow requirements were going to be prior to submittal of the foundation only permit. They were told then that it was to maintain 4750 gal per minute for 4 hours. Someone from their group (of professionals) knew what the requirements were. In February they reduced the requirement by adding fire protection wall to 3250 gpm for 3 hours. They could reduce it to 1000 gpm for 2 hours with sprinkler system installation. Krasowski asked if a dry line system would work? Mark W commented yes, that it is allowed and could be engineered to work. It would require several detectors to be activated by fire indicators before water would flow into the sprinkler pipe system. Mayor asked what the approval process was if it is referred to the fire District? Mark W stated that if this was referred to the fire district committee, the Chair could call a meeting with a week's notice (determined by board member availability). Normally code appeals go to Alan Perry then before Chief Rolly. There is an appeal board process then to the state Fire Marshal for review and/or approval. Krasowski stated he is not OK with having a commercial building not seeking approval with the fire district. He asked what if we amend the Conditional Use Permit to require a Certificate of Occupancy to be signed by the Fire District by August 31, 2024, if not then the CUP dies? Would BRP be agreeable to a temporary occupancy permit for this season? Kim stated that they would be agreeable to a temporary occupancy. Mark W explains fire insurance scoring system to council. 1 being the least hazard and 9 being the most. DeGiorgio asked about using the Boise River for firefighting. Mark stated that is a complicated issue and no one in this room has the authority for that. Kim stated that a wet well (using Boise River) could be applied for. Krasowski stated what if we amend the Conditional Use Permit to remove the fire flow condition and add new condition requiring a signed certificate of occupancy, signed by the Fire Protection District before August 31, 2024 or the CUP dies? That would allow this season to go on but keeps us from allowing a structure that does not meet fire flow. Kim stated their water flow test was done but the city said that it was not correct. City was supposed to get a flow test done but there was a problem with a blow back valve issue and they had been waiting on the City for verification. The meeting was held just a few months ago telling them that city could only provide 1500 gpm regardless of the flow at BRP. They have not been just sitting around doing nothing. They never received a letter telling them what the City could provide them.

Krasowski motioned to amend the Conditional Use Permit to remove the existing fire flow condition and add new condition requiring a signed certificate of occupancy, signed by the Fire Protection District before August 31, 2024. Emly seconded. If it is not signed. The CUP dies and they will have to reapply next season. Roll call was taken with the following results: Krasowski; yes, Emly; yes; DeGiorgio; no. Motion carried.

**6. Public Hearing to receive public comment regarding the proposed FY 23-24 budget beginning October 1, 2023, to September 30, 2024.**

Mayor opens public hearing to receive public comment regarding the proposed budget for FY23-24. City Clerk verifies the hearing was correctly noticed and advertised. Treasurer, Marie Eilers reviewed budget line items. General Fund: \$362,731.00 Water Fund: \$162,900.00 Sewer Fund: \$212,099.00 Sanitation Fund: \$43,587.00 Street Fund: \$92,575.00 for a total budget of \$873,892.00. There were no written comments received. No public signed in to speak on the subject. Mayor closed the hearing.

**7. Special Business Action Item**

**7.1 FY23-24 Budget Approval, ACTION ITEM**

Krasowski motioned to approve the FY23-24 budget as stated. DeGiorgio seconded. Krasowski stated that he felt they did not do as good of a job with the budget as they could have. He would have liked to look at the maintenance and staff wages and get them closer to where they should be. Roll call was taken with the following results: Krasowski; yes, DeGiorgio; yes, Emly; yes. Motion carried.

**8. Consent Agenda, Action Items**

**8.1 Disbursement List**

Krasowski motioned to approve the disbursements in the amount of \$39,585.12. Emly seconded. Roll call was taken with the following results: Krasowski; yes, Emly; yes, DeGiorgio; yes. Motion carried.

**8.2 Council Meeting Minutes**

Emly motioned to approve the meeting minutes from June 20 and 26, 2023 as presented. Krasowski seconded. Roll call was taken with the following results: Emly; yes, Krasowski; yes, DeGiorgio; yes. Motion carried.

**8.3 Committee Meeting Minutes: Library, Community Events, Vision Tomorrow**

None submitted.

**CLERK NOTE\* move to item 10.1 as directed by Mayor.**

**9. Staff /Professionals Reports**

9.1 Library Liaison

Tabled

9.2 Treasurer

Tabled

9.3 Public Works

Tabled

9.4 City Clerk

Tabled

**9.5 Public Safety and Law Enforcement**

Animal Control Volunteer, Paul Leavitt stated that he has turned in 4 reports but is dealing with one dog at large on a consistent basis. The dog is owned by the Bernier's and is roaming the city. Paul has caught and returned the dog to the owner several times. Clerk will write a warning letter and next time Paul will take it to the animal shelter.

**CLERK NOTE\* Move to Item 11, as per Mayor.**

**10. Business**

**10.1 FY23-24 Appropriations Budget Ordinance, ACTION ITEM**

Krasowski motioned to dispense with the ordinance three reading rule and to have ordinance read once by title only. Emly seconded. Roll call was taken with the following results: Krasowski; yes, Emly; yes. DeGiorgio; yes. Motion carried. Clerk read Budget Ordinance by title. Emly motioned to approve the annual appropriation ordinance for fiscal year 2024. Krasowski seconded. Roll call was taken with the following results: Emly; yes, Krasowski; yes, DeGiorgio; yes. Motion carried.

**10.2 Annexation Ordinance-Williams, ACTION ITEM**

Krasowski motioned to dispense with the ordinance three reading rule and to have ordinance read once by title only. Emly seconded. Roll call was taken with the following results: Krasowski; yes, Emly; yes. DeGiorgio; no. Motion carried. Clerk read annexation ordinance by title. Krasowski motioned to adopt the annexation ordinance. DeGiorgio seconded. Roll call was taken with the following results: Krasowski; yes, DeGiorgio; yes, Emly; yes. Motioned carried.

**10.3 Generator Purchase ACTION ITEM**

Public Works Supervisor, Tyler Martin received three quotes for a well generator. He has had a hard time getting any call backs. Cummins proposal is almost two years old with a cost of \$73,852. Two proposals from Northwest Power Systems in Boise. They helped him determine the size needed as 175 kw after reviewing our Engineers specs but that would be asking a lot from it if it had to run everything for an extended power outage. They have a 180 kw \$61,427.00 and a 230 kw would be best bang for our buck, \$69,404.00 with auto transfer switch. We will have to install a cement pad. Northwest Power will do yearly maintenance. Item order would be 36 weeks out before delivery. Either one would work. The 230 kw would give us option to increase pump size if we need to get a new well developed. Treasurer, Marie stated that we still have \$68,000 in ARPA grant funds to help cover the cost. Still need concrete pad and some SCADA upgrades. There will be a regular running maintenance every week on its own. It will shut of electric power and start up on its own and run for about one hour every week. Warranty is 2 years or 2000 hours. DeGiorgio motioned to approve \$69,404.00 (230 kw) for Northwest Power system generator. Krasowski seconded. Roll call was taken with the following results: DeGiorgio; yes, Krasowski; yes, Emly; yes. Motion carried.

**CLERK NOTE: Table items 9.1 through 9.4. Move to item 9.5 as per Mayor.**

**11. Mayor & Council Comment**

Mayor reported that the VFD's are installed and working fine.

**12. Adjournment**

DeGiorgio motioned to adjourn at 9:04 pm. Krasowski seconded. All in favor. Motion carried.

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

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