

NOTUS CITY COUNCIL SPECIAL SESSION MEETING MINUTES

August 28, 2023 @ 7:00 pm

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

1. Meeting Called to Order

The meeting was called to order at 7:04 pm by Mayor, David Porterfield.

2. Roll Call

Roll call was taken with the following results: Council President, Steve Ahlborn, Councilman, Devin Krasowski, and Councilwoman, Bonnie Emly, all present. Mayor, David Porterfield, City Attorney, Joe Borton and City Planner, Antonio Conti were also present. Councilwoman, Michelle DeGiorgio unexcused absence.

3. Pledge of Allegiance

4. Business Action Item

4.1 Continue deliberation discussion of proposed annexation of 34.23 acres, rezone of 14.17 acres, and preliminary plat of 66.65 acres for Lemp Manor subdivision consisting of 139 single family detached residential lots, 88 Townhouses, 26 common lots and 5 common driveway lots. ACTION ITEM

The Mayor reviewed the past meeting information and the council decision options. He stated the concerns brought up by citizens: School impact, fire department, no impact fees to help offset costs, road closures due to construction and Post office growth. Ahlborn stated that one benefit is the sidewalk along Notus Road to the schools and at some point, this needs to happen, and the post office should grow with the City. Mayor stated that there was talk of closing the post office and adding more residents would be helpful by adding more customers to serve. A subdivision would increase property taxes. Ahlborn commented that there are pros and cons to that statement. When property values go up, so does the neighborhood condition, it gets better. There would be an increase in traffic. There was a citizen concerned about losing property to emanate domain. The City is not allowed to take property. Concerns of pollution, noise, increase crime and vandalism. We need new businesses and services, but we don't have the population to support those. The City needs a new redundant well. This will need to be paid for by the residents. The City has been looking into this issue prior to the subdivision application submission. Current wells were drilled in 1959 and 1999. The 1999 one is our primary well. The other, well 2, pump seals are leaking so bad it has been shut off and the arsenic test levels is at the 80% allowed category. The City engineers proposed to drill a new or rehab well2 in tower park. Rehab would be a cost of approx. a couple hundred thousand dollars. But further investigation is needed to make a decision or plan. Another concern was increase in crime. Some studies show crime increase linked to population others do not. Some people object to bonds, but there are few other options for funding projects. Aesthetics, small community feel; yes, the quality of life would change, if approved. The comment was made that if the City does not grow; it will die. If not approved by the City, the developer could just ask the County for approval, and we will miss out on the revenue that would have been generated. There was a concern about tying new connections into our older system lines. Steps are in place to slowly replace lines throughout the City. When we upgraded the sewer system, the oldest sewer lines were replaced. More will be done in the future. The School District superintendent, Mr. Doramus indicated concerns about increasing enrollment and growth without burdening the taxpayers. Currently schools receive money from the state to run bus routes in town since there are no safe (sidewalk) paths to the schools. 30% of the population is school age and 5% of that is day care age. They will need to investigate expansion soon, one way or another. No matter what the Council decision tonight, growth is coming to the district. Asking for a building bond without added population, won't pass. A letter of concern was submitted about the loss of available farmland. Krasowski commented that the council will need to think hard about this since it seems to be such good farm fields.

But as a City within a County of rapid growth, we need to think about the need for homes VS farmland. Concentrated growth needs to take place around cities to keep the larger areas open for farming. That's where the infrastructure is already in place. But it doesn't always happen that way. We don't want to overburden the school district or staff but additional housing for staff and other local employees would be available. Mayor commented that there are concerns about drinking water supply. DEQ requires a (redundant) back up well. Ours is in need of help. State reports indicate that the local aquifer is doing well. The City may be able to just drill the well deeper. There are concerns of the City's water, sewer, and street infrastructure. The City and the Developer are aware of the situation and seem to be amicable to work on those concerns together. Notus road is a collector street and is in need of updates. A preliminary plan with storm drains, curb and gutters is estimated at 2.5 million. It's a 5-7-year process to get engineering and funding in place. We are starting the process now. We are looking for grant funding with no City money match. The City is working with the COMPASS group to accomplish that. Krasowski commented that the developer seemed agreeable with helping with the water issue, was open to larger lot size and public use parks, not just HOA use parks. Their team was very amenable and willing to work with City. There are pro's and con's. This would double the City population but would also mean more residents, could spread the costs, more to attend City events and more recreation potentially. Ahlborn commented that the proposed subdivision does not seem to fit the look of the town. It's very modern and seems disconnected. Is it really Notus? Emly commented that the townhouses do seem odd, and the irrigation water will need to be managed. She is concerned that there is no commercial zoned area. Mayor commented that the Conway Gulch can't be accessed for irrigation. That water is already committed farther downstream. Mayor asked if there are other pieces of information that the council needs or wants to discuss to be able to come to a conclusion on this application. Ahlborn would like to hear more from the School Superintendent, Mr. Doramus. Krasowski asked if they should reopen the hearing. Mayor asked if we have sufficient information in terms of comparisons in the financial realm for City and school and financial impact to residents if we do or do not approve the application. There may be some fine tuning maybe or some partnership kinds of things we can do that can make some daunting kinds of future steps become more manageable for us. Need to dive deeper into some of those statistics and some of the estimates of revenue and expenses. So, we can see the way clear to avoid as much pain, as much as possible. He wants as much information as possible from school, bonds or funding for a new school if needed. How do we do one of these things we are facing without causing problems for the other. Need supportive reasons for going forward or not going forward. Krasowski asked if he is talking about what it would look like per month for each resident if we don't get help with the well from a developer, or maybe we get a grant for that, or maybe we get a part contribution from a developer. What would that look like per month. Is that the type of questions you are thinking about? Mayor responds, correct. Ahlborn motioned to reopen the public hearing to accept correspondence/reports from the police and fire department and school. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, Emly; yes. Motion carried. Mayor read a letter from Caldwell Fire Administrator we received. It stated how service would be affected if development was approved. After completion they would anticipate an additional 5 calls per month. Whether this development gets approved or not, does not affect their future plans. In the current 2024 budget they are hoping to begin Basic Life Support service in the spring of 2024 out of the Notus Station. Initial staffing of the station will be 12 hours a day, 7 days a week. Once they have fine-tuned the delivery of EMS services, they will begin to train EMS personnel in Fire Suppression, starting with outside small fires and continuing their training into Structural Fire Fighting. They anticipate this to be a multi-year approach. The Caldwell Rural Fire District will be making about a \$700,000 investment for the delivery of services out of the Notus Fire Station next fiscal year, and plan to move forward, no matter how Council decides on this development. As with all plans, they are fluid and changing and they will continue to evaluate the needs of the Notus area. City Clerk read letter from Parma Police Chief, Robert Topie. This anticipated growth

will not affect anything for the Parma Police department for code enforcement. As long as City is happy with the service, as the City grows, he would like to add one full-time officer, and cover all policing services for Notus at the current rate of \$75,000 per year. That would mean Parma Police would handle all calls for service, all ordinance violations and all accidents and traffic related calls. Mayor stated that within our current 2024 budget, contract with Parma for Parma police includes \$18,000, about \$29.08 per capita per year. Canyon County currently helps cover the City. Notus School Superintendent, Micah Doramus addressed the Council. He indicated that he is neither for, nor against this development. The simple impact on the school after proposed development is completed. Current enrollment is 330 children, spread out to pre-K-12 grade. They run a developmental preschool program in conjunction with the Canyon and Owyhee County special school services agency that provides special ed services for students age 3-5 from Notus, Parma and Wilder. They also run a community based preschool service in conjunction with Roni's House. These are housed within the elementary building. So, when he talks about numbers later, that does impact the foot print within our buildings and facilities that are not funded by the State. These are private and funded through grants and/or federal funds for the developmental preschool. There are 25% of students outside of Notus District that attend school here. 50% of students qualify and receive free or reduced lunches, they serve free breakfast to every student in the district through federal funding. 12-13% of students qualify as homeless (includes foster kids, kids living with relatives, and anyone that doesn't have a permanent physical address). Increase in population would impact the offerings of the school's food bank, community school network, not to mention the already lack of health care support. Calculating one student per roof, more from the shared roof model area, equals about 68.60% growth over 10 years. The new elementary building built in 2017 is at capacity now. So, no matter what is decided tonight, that is something the district board and constituents are going to have to solve. There is capacity in the secondary school for about 100. There is currently one portable unit with a capacity of 40 students. District capacity of 478. Proposed students with the Lemp Manor enrollment would be 553 by the school year 32-33. Specifically regarding Lemp Manor, they would have to be looking at expansions as early as 24-25 and reshuffling the dynamics, where to put the 6th graders and another discussion about the preschool. Currently they can offer community-based preschool but if we needed that space to provide learning for K-12th that would be a difficult decision for us. Where do we put preschool, can we even offer preschool. Expansion of the elementary school would be necessary by 27/28 school year. Full expansion would require going to the constituents for a building bond of an estimated \$5.2-\$8.2 million. Other cities in the area that are experiencing growth, estimate cost at \$8000 per roof top of development to effectively outfit school with needed classroom, desk, chair, and curriculum for that student to learn within the school setting. Another factor to consider is the cafeteria/kitchen. We would need to expand or build a new one by 2029-30. These expansions are solely based on the Lemp Manner. Needed expansion, furniture and curriculum expenses will not match the state per pupil funding for such a rapid growth this proposed subdivision could bring. Looking at the County and current City, growth will need to be addressed whether this proposed development is approved or not. Krasowski asked what tools do they have to mitigate this? Doramus state they are not allowed to charge impact fees. That leaves bonds and levies. Doramus stated the new elementary bond was for 30 years. There is already a levy for CASA. Krasowski asked what potential benefit (of approval) would be? Doramus commented that more students mean the more money they get and more local housing for staff. School staff would like to live in Notus but there is no current housing available. Mayor asked if the starting point, meaning less houses on the ground (phasing) would help the long-term projection? Doramus stated that the school district (enrollment) has stayed relatively steady for the past 5 years. So, it could give them more time to have difficult discussions with constituents, absolutely. But we won't know how hard we will have to work until we know what's coming. But it's still in the long-term projections. Stephanie Hopkins representing the developer, stated that dedicating money to the school district may not be required but they are amenable to working with the district.

This project with phasing approach would take a decade to reach complete buildout. If everything goes well and if Council approves it, the first phase of 94 homes would commence in 2024, the developer would contribute about \$20,000 to the school (estimated at \$200 per rooftop) . Second phase of 46 homes would be in 2027 and the 3rd phase of 88 town homes would be 2029. This would give City time to plan with the developer. Would hope that a developer offering a benefit of a variety of housing options could outweigh some of the cons mentioned. Townhouses price estimated at \$250,000- and single-family homes at \$325,000-\$450,000. There is a need for housing in the area. Infrastructure (roads & utilities) would be built first, 2024 and then the 94 homes, if lot sizes don't change, would be built, and completed hopefully by 2026. Mayor stated that a growth of 45% sounds like a large amount. Ahlborn commented that the citizens have indicated they approve of slow growth. Even spread out over ten years this is a large amount to swallow. Mayor asked if developer has communicated with the school district? Stephanie responded that she had not seen the projection that Mr. Doramus presented tonight. Developer would like coordinate with the School District to make sure they are mitigating their concerns. More conversations need to happen. This is just the beginning. Mayor commented that he would feel more comfortable if there were more conversation/coordination between developer and school and City. He sees it affecting all aspects of the proposed project, whether it is the developers' interest, the City interest, or the Schools interest. Council had no more questions. Ahlborn motioned to close the public hearing. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, Emly; yes. Motion carried. Ahlborn motioned to take a 5-minute recess. Krasowski seconded. Roll call was taken with the following results: Ahlborn; yes, Krasowski; yes, Emly; yes. Motion carried.

****CLERK NOTE**** 5-minute recess was taken.

Back in session at 9:26 pm. Mayor asked Council what is their intent? Decision or continue to a date in the future? Ahlborn stated he is ready to deliberate towards a decision tonight. Krasowski stated we have verbalized obligations and listened to the public for 2.5 hours every meeting. Need to balance what we have learned from them to the magnitude of changes to town. He is just not seeing the benefits outweigh it. A lot of that is the magnitude of the change. He is not sure that doubling the population of town comes with extraordinary benefits. Emly commented she is torn. She would like to see the City grow with a small subdivision. Perhaps only half. Having a hard time with the townhouses proposed. They don't look like they fit Notus. Right now, she is tending not to go with this big of a subdivision either. Ahlborn commented that what he understands that they are voting on 4 separate issue that are all the same theme. Maybe look at each of those things and vote according to each issue and what those would do for us. Mayor asked the Council what they thought about development of this scale or some other scale but looking at that with consideration of the economy and growth compared to no growth. Do you feel you are provided with good information about where the City is, about where the community is, about where the school is. Would it do any good to look at the projects that are laying out ahead for the City right now regarding the Capital facility plan, giving consideration to those projects, the costs of those projects, the alternatives to those projects and how those fit with the concept of growth. We need a redundant well. Need to examine where those resources will come from. Would it be helpful to look at the alternatives to the redundant well construction. How those may fit into the possibility of proceeding with development or what does it look like without development. What are the financial impacts for the City and the residents. Look at the overall picture, is that growth valuable to us or not. Would it be worth more investigation before deciding. Ahlborn stated it would be worthwhile to look at, but for him, it doesn't feel like it would pertain to this decision. It would be good to have that information for reference for future. But doesn't feel its pertinent to him currently. Mayor commented this could be considerable input, connection fees alone are substantial. Important to look at. Ahlborn stated that no matter if its this subdivision or another, the connection fees will be there based on whatever subdivision comes in. Krasowski commented that he does not think the financial benefit would change the public testimony. Most of the opposition was all about the character of the neighborhood. That is related to

the community. Alborn asked if the decision is a separate one of the four requests. Annexation, plat, PUD, ... Krasowski commented that is one proposal. The City Attorney stated that annexation drives everything for a City. If the annexation fails, everything fails. It's all one application. Krasowski stated the part of this development is within City (limits) so annexing would make it contiguous (fill in the gap along Notus Road). Mayor stated that most of the contiguous land around City limits are now under conservatorship meaning no developing ever. Ahlborn questioned the potential con's for just annexation. Attorney stated approval of annexation, the land is zoned at time of decision. If you approve annexation without the plat, you are losing some control of the way it is developed. It's not prohibited but it is one of the considerations. Krasowski motioned to deny the annexation request. Ahlborn seconded. Krasowski commented he can see development scenarios in which not all the opposition testimony we got, would be there. After working through this twice, it could be said that nothing would be satisfactory to the City, but he doesn't think that's true. We are learning more each time and that's ok for us to do. Ahlborn stated that they are starting to digest what the citizens want, what we are looking for in development. What it should look like. Emly asked if it is possible to come back with a different option for us, a smaller development plan. The attorney stated that in any application you have the ability, in annexations like this, to have conditions that control some of the onboarding of the units. You can have development conditions that say you can allow X number of building permits until X happens. If it's not agreeable to the developer, they may not sign the development agreement and then nothing would move forward. If you say you need to control the pace at which residential units are built, that's something that can be put in the development agreement. Such as you can only have so many building permits until X is done and then so many permits until Y. That gives you some control, on a case-by-case basis. Mayor commented he believes there is reason for council to look at the information he mentioned earlier. Those could have a significant impact on the City. Those could be worked out with the needs of the school and the desire of residents' best interest as well. It is possible for us to approach those in a sensible manner. The council may be stopping short of the City's best interest by not looking at it all and what those implications might be. He asked for any other comments or questions. None given. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, Emly; yes. Motion to deny carried. Krasowski motioned to deny the application for rezone, preliminary plat and planned use development. Ahlborn seconded. Roll call was taken with the following results: Krasowski; yes, Ahlborn; yes, Emly; yes. Motion to deny carried.

5. Adjournment

Ahlborn motioned to adjourn at 10:00 pm. Emly seconded. All in favor. Motion carried.

Respectfully submitted by Loretta Vollmer, idCMC _____

Approved by David Porterfield, Mayor _____