

**NOTUS PUBLIC HEARING
AND CITY COUNCIL MEETING MINUTES
September 18, 2023 @ 7:00PM
at Notus City Hall, 375 Notus Rd, Notus, ID, 83656**

1. Meeting Called to Order

Mayor, David Porterfield called meeting to order at 7:02 PM.

2. Roll Call

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

3. Pledge of Allegiance

4. Public Hearing to receive public comment regarding a proposed short plat of 2.91 acres consisting of 4 lots located at 364 Jasper Ave, Notus, ID 83656, Township 5N, Range 3W, Section 34 on parcel R38559000.

Mayor opens the public hearing. City Clerk verified hearing was properly advertised and published. Property owner, Devin Krasowski stated he is acting not as a council member but as a resident and as an applicant to the city. The application and his narrative are in front of Council. He is asking to split his property into 4 separate lots. 2 will be accessed off Jasper Ave and 2 will be accessed off of Notus Road through an existing easement. The goal is to attain two building permits. Mayor asked Council if they have any questions. DeGiorgio asked if any impact fees have been discussed? Devin said no fees have been discussed but at the building permit stage connection fees will be paid but the City does not have any impact fees. Ahlborn comments the last lot split we did was the three on 1st Street but those had a variance for how close the homes were going to be built to each other. This seems to be just a basic lot split with no variances. DeGiorgio asked what the top price range he is appealing to. Devin stated he is not contemplating selling the lots at any time in the near future. His only plan at this point is to dedicate proposed parcel 3 to his in-laws via quitclaim. Later he may build his forever home on the proposed 1.5-acre lot but right now it is not his intent to create lots to sell. Mayor asked about the ingress and egress to fire department standards and what those standards are. Devin responded that the Canyon County Fire District will require 6" of pit run and 3" of road mix. The bottom line is the road must be able to support a 75,000 lb. fire apparatus with adequate turn around. This will be done before a certificate of occupancy is issued. Mayor asked about the water line mentioned in Devins narrative, lying north and south along the most easterly property line. Devin stated that the line is in the City Facility Plan. It shows a 4" line running from the ingress/egress easement, south down to Hardcastle property. He has not had any contact with the fire department about the possibility of utilizing the fire hydrant at the city well lot in a worst-case scenario other than a conversation with Mark Wendelsdorf indicating that they can make (within the code) things work. Mayor asked about his intentions for a sewer connection for proposed parcel 3. Devin commented that upon review of the facility plan and visual inspection, there is a manhole due north of the city well house that runs down to Notus Road that he hopes to utilize. Mayor stated that the Public Works Supervisor is not present so we can't verify that but there may be an assumption being made that isn't true so we will have to look into that more. Devin commented he will work with City to record any easement necessary to make connection for lots 3 and 4. Whether that is running down to Jasper Ave or Notus Road.

CLERK NOTECity Attorney joined meeting at 7:17pm**

City Planner, Antonio Conti reviewed staff report with council. Short plat application of 2.9 acres dividing into 4 parcels. Ranging in size from .35 to 1.6 acres. The owner plans to continue to reside on one of the parcels. Land is zoned residential and is within city limits. Project consist of one phase with a density of 1.3 dwelling unit per acre. Short plat is not required to have open space, amenities, or a neighborhood meeting. There is no history or building permit history with the City. After review, this meets the requirement of R-1 residential, is above minimum lot size, promoting growth within city limits, and is in line with of our comprehensive plan. Currently there is a house, shop and chicken coop on the property. The owner is planning on giving an access easement along the shop building. Current minimum for easement is 16 ft. he is proposing 18 ft to make sure the is no encroachment of the awning of the existing shop building. This meets all the requirements except the 65' frontage on public road. 3 of the lots will not be on the public road but accessed through a private driveway. 2 parcels will be accessed through Jasper Ave and the other two will be accessed from a private driveway along the east line. Parcel 3 and 4 will be

accessed through an existing easement that comes from Notus Road that is 16 ft wide. What he would like to request is to extend the easement past the lot and into lot 4 by 20 ft. because he needs to provide a hammerhead turnaround for fire department. Owner has agreed. Fire Department concern is about a 75,000 lb. fire vehicle coming through. Our city standards are different. Our codes require a paved road, for servicing more than 2 residential units. So, if you (council) decide to move forward with a gravel road, it will have to be a variance from what we have in our (code) standards. We recommend approval with the following conditions: ingress/egress should meet fire department standards, show easement along shop (owner took care of that one), increase the easement within parcel 4 (owner has agreed to that), record an easement to cover the fire department turnaround. Once owner has quitclaimed the parcel, the easement should be in place. Needs to show plan for connection to water and sewer to public works for approval. Water and sewer connection will be built and billed at the time of building permit for each parcel, not before. Outlined for the developers understanding, we have correspondence from DEQ on allowing new connections to our system. We need to make sure we meet DEQ's requirement prior to allowing the connection. He asked if there are any questions. None stated. No one signed in to speak in opposition or in favor. Mayor recognized Amelia Paz who signed in neutral and questioned the map sent out on the publication notice. City Clerk, Loretta Vollmer explained that this was a screen shot of the Canyon County map which indicates with the words "IN" and "Out" to indicate City limits line. No others signed in. Applicant responded: as far as water and sewer connections, that is one of the findings council will have to make tonight is if there is adequate water and sewer. He feels as per the facility plan, they are adequately available. He is perfectly fine with figuring out those details as he goes through the building permit process. He is also ok if the city wants to wait and figure them out now. Also wants to talk about the variance for the pavement. Yes, they are asking for a variance for the paved access to lots 3 and 4. That access is already paved most of the way (City Well access). He stated a properly installed and maintained driveway can serve the purpose just fine. He was surprised to see a paved access requirement for just 2 lots. Believes it is overkill and cost prohibitive. So he is requesting a variance of that requirement. Mayor asked if the variance application was filed. Devin responded yes, but City Clerk responded that she does not have a application submitted. City Planner indicated that a request was made in an email conversation with the applicant and should be part of the request for the project. Mayor asked for Council questions and discussion of information presented. Ahlborn is not opposed to the variance request, agrees it does seem like overkill for a couple of lots and he is not that concerned about hookups (water& sewer) being figured out in a future date and not immediately. DeGiorgio asked if the new water and sewer lines could be put on draft paper along with existing ones. Devin responded that the line from the home to the main line is owned and maintained by the homeowners, not the City. Mayor stated that there are engineer maps of the water and sewer main lines. They do not show the lines on private property, since those are the responsibility of the property owner. On the maps the connections are noted giving us an indication of where those private lines are. Emly asked about the proposed driveways. Would the driveway along the existing shop to lots 3 and 4 need to be paved? Antonio stated according to our code any private driveway that services two or more residences must be paved. The applicant is planning on accessing just lot 1 and 2 from Jasper Ave and lot 3 and 4 from Notus Road. He has an existing easement from the edge of his property to Notus Road. But because of the number of residents on it, our code says it has to be paved, 16 ft wide. Part of the easement from Notus Road is already paved. The one from Jasper is not paved. Mayor asked who is responsible for extending the paving and any maintenance of the shared existing access road. Antonio responded that the developer is responsible for that paving but there are no records of maintenance responsibility on the recorded easement. Costs are usually shared. A maintenance agreement is usually prepared indicating costs shared by percentage and recorded with the short plat. But this is an existing easement and you can not make him pay for that. It would have to be a mutual agreement at this point. Mayor is concerned about the additional traffic on the Notus road easement (our well access road) and not just from the City's use of it. Devin stated it is more than fair to have an agreement for maintenance since they will be adding use to that access. He has already agreed to do snow removal so they can access the lots. Mayor agrees. Devin stated this is taking longer than he anticipated and would like to get it worked out before the certificate of occupancy but after approval so they can get working on loans and getting construction started before the winter. Mayor commented he would like to hear from the Fire Department, but maybe that is already addressed between the developer and the City Planner. It seems we have heard several comments that "we will abide by a rule, or work with the department" and various things like that, that weren't nailed down completely. He would like to have a little firmer recognition and understanding of what we are agreeing to. Devin commented that the two things he was hinting at after approval if Council would entertain the maintenance agreement and details for connecting to city services. DeGiorgio feels this a

good deal for the whole community. It will be 3 extra families that will be contributing to our community. Mayor closes public hearing at 7:50PM

5. Business Action Item

5.1 Proposed Short plat of 2.91 acres consisting of 4 lots located at 364 Jasper Ave, Notus, ID 83656, Township 5N, Range 3W, Section 34 on parcel R38559000. ACTION ITEM

DeGiorgio motioned to approve the application with a maintenance agreement that Devin said he would be agreeable upon and assume when you say maintenance it would mean Notus road up to your development. Ahlborn commented that is where he has the hangup. Motion dies for lack of second. Ahlborn asked what does that agreement look like? He would be agreeing to something but not knowing what that something is. City Attorney Bryan Norton stated that it be a specific motion that includes maintenance agreement with specific terms. Ahlborn would like to hold the decision until the next meeting to hear from the Fire Department and about water and sewer hookup and have an agreement in place to make the final decision. Ahlborn motioned to hold the decision until next meeting on Oct 2nd for maintenance agreement and water and sewer connection information. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; yes. Motion carried.

1-minute recess:

6. Staff /Professionals Reports

6.1 Library Liaison

Emly reported that the library has been painted inside and re-arranged. She also stated that the Librarian, Rhonda's husband passed away last week, just before their 50th anniversary.

6.2 Treasurer

Treasurer Marie Eilers reviewed the August balance sheet with Council and reported that the LGIP earning rate is 5.168 %. Our year end is September 30 and the Audit is scheduled for November 15th and 16th.

6.3 Public Works

None

6.4 City Clerk

City Clerk, Loretta Vollmer reported that google profile indicated 18 phone calls, 28 people asked for directions, 36 people viewed our website and 16 searches. There was one building permit and 8 burn permits issued. And one resident move out/in.

6.5 Public Safety and Law Enforcement

Parma Police report was in Council packet for review. Officer reported that our contract is for 20 hours but they are trying to double that. They are concentrating on traffic and ordinance enforcement. They do have a tagging suspect. Parma officers are patrolling more at night.

7. Consent Agenda, Action Items

7.1 Disbursement List

Ahlborn motioned to approve the disbursements in the amount of \$7,492.31. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; yes, Krasowski; yes. Motion carried.

7.2 Council Meeting Minutes

None presented.

7.3 Committee Meeting Minutes: Library, Community Events committee

Emly motioned to accept the Events Community Events Committee meeting minutes of September 5th, 2023 into record. Ahlborn seconded. Roll call was taken with the following results: Emly; yes, Ahlborn; yes, DeGiorgio; yes. Krasowski; yes. Motion carried.

8. Business

8.1 Lemp Manor Annexation, rezone, preliminary plat: Letter of Findings of Fact, Conclusions of Law, Decision, & Order: ACTION ITEM

Tabled.

8.2 Surplus list and Resolution approval, ACTION ITEM

Mayor stated that state code allows for disposal of items through a silent auction. DeGiorgio suggested holding it during the upcoming Harvest Festival. Ahlborn suggested online auction but Mayor stated these are really not high dollar items. Ahlborn motioned to approve the silent auction of the surplus items. Then donate to the community or school, recycle what we can, and then discard the rest. DeGiorgio seconded. Roll call was taken with the following results: Ahlborn; yes, DeGiorgio; yes, Emly; yes, Krasowski; yes. Motion carried.

Ahlborn motioned to approve the surplus list and Resolution #23-07. Emly seconded. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; yes, Krasowski; yes. Motion carried.

8.3 Infrastructure Improvements Review, ACTION ITEM

**Priorities: Well Construction and Alternatives
Street Improvements**

Mayor stated we need to prepare and have a sense of direction. As he meets with state agencies for review of projects needed and the funding opportunities for these projects. Currently he is having trouble with Boswell Paving to schedule the Kremmwood project again. Chip sealing will be next season now. He is seeking out new companies willing to help us. City employees and Asphalt Patching and Driveway will do some patching on 1st Street, 2nd, Street and Fargo and other area pot holes. In 2019 we did a chip seal of part of the streets. We have a Lhtac \$100,000 grant application for next summer project. Future projects include improvements to collector streets, Notus Road, Jasper Ave and 3rd Street. COMPASS has offered to work with us with a program called Unified Planning Work program. That is helping us with the grant funding application process and the required neighborhood meeting. That is a \$320,000 reimbursement for planning and design. There is a possibility of a applying for a Thriving Community Program. This is a federal/ITD grant. Provides a feasibility study, environmental study, and a deep dive design. Upgrades to collector streets, Notus Rd, Jasper Ave, and 3rd streets for an estimated cost of 6.2 million. There is a possibility that some of these will require a City fund match. Resident Chris Grooms asked if there was a way to hold the construction crew of the new home on 3rd Street responsible for the damage to the street. Mayor stated he did have the people from Asphalt Paving and Driveway look at that area. Their feeling was that most of that was surface skims and if we did anything, it would laying and rolling a asphalt layer over that. And in Their opinion, it probably wasn't worth the cost to do it. It would take almost half of the budgeted amount just on that spot. Ahlborn asked what the time line would look like for projects. What part is grant and what part is loan. Mayor stated these are for planning and design grants, not for construction. We hope for loans and grants for construction. Ahlborn commented we need new development or something to help cover these costs. pay for construction. Grants are for planning and design but when it comes to construction, nobody covers that. You can get a loan or a bond. They will give you money to plan this stuff but not construct it. Future needs and costs are in the 2016 transportation plan study. 1st Street rebuild with culvert replacement will need to be done soon. 2016 costs was 1.76 million. Just culvert replacement could be \$230,000 to \$400,000. Another project is Notus Road shoulder project. The area near the Fire station and Conway gulch, water is eroding the bank and is about 3 ft from the edge of the roadway now. We need to start looking at our side streets throughout town. They need rebuilt as well. Mayor asked what time frame Council thought it would take before we could rebuild side streets like Fargo, Gary, Idaho? Ahlborn stated however long it takes for citizens to approve a street bond. There is no development money to help with those. There are pros and cons for development but it's never an ideal situation to rely on just citizens to fund projects. Mayor commented that the side streets may have to wait because of the larger more urgent projects. The Mayor has a meeting with a group from COMPASS on September 28th at 2:30 about funding.

8.4 Engineering Procurement Criteria, Job Description, ACTION ITEM

Mayor reviewed the changes and additions to RFQ from the last meeting with Council. Qualifier multiplier was discussed. Ahlborn cares more about availability than experience, although experience is important as well. DeGiorgio wants the references verified. Not ready to approve yet. No decision.

8.5 Development Debriefing

Tabled.

9. Mayor & Council Comment

None

10. Adjournment

DeGiorgio motioned to adjourn at 9:35 pm. Ahlborn seconded. All in favor. Motion carried.

Respectfully submitted by Loretta Vollmer, idCMC Notus _____

Approved by David Porterfield, Mayor _____