

**CITY OF NOTUS PUBLIC HEARING
AND CITY COUNCIL MEETING MINUTES
SEPTEMBER 19, 2022 @ 7:00PM**
at Notus Community Center, 389 1st Street, Notus, ID, 83656

1. Meeting Called to Order

Mayor called meeting to order at 7:16pm by Mayor, David Porterfield.

2. Roll Call

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

3. Pledge of Allegiance

4. Consent Agenda, Action Items

4.1 Disbursement List

Ahlborn motioned to approve the disbursements for September 19th in the amount of \$2,772.78. Emly seconded. Krasowski discloses that payment to IES for backflow testing is his father's business, but he has nothing to do with the city decision to use that business. Roll call was taken with the following results: Ahlborn; yes, Emly; yes, DeGiorgio; yes, Krasowski; yes. Motion carried.

4.2 Council Meeting Minutes

None

4.3 Committee Meeting Minutes: Library, Community Events

Emly motioned to accept the Events Committee meeting minutes of 9-6-22 into record. Ahlborn seconded. Roll call was taken with the following results: Emly; yes, Ahlborn; yes, DeGiorgio; yes, Krasowski; yes. Motion carried.

5. Staff /Professionals Reports

5.1 Treasurer

Treasurer, Marie Eilers, reviewed August balance sheet with Council. She reported that the IWORQ's program from Lhtac had been updated with our street signs and she received some training today. The transportation plan information is also on IWORQ's program.

5.2 Public Works

NONE

5.3 City Clerk

City Clerk, Loretta Vollmer reported that in August, City Hall had been googled 225 times with 55 searches, 21 phone calls, 60 direction requests, and 21 website visits. 5 burn permits were issued. 1 reroofing permit was issued. One written animal complaint was received, staff investigated and resulted in a letter being sent out to animal owner reminding them of the city code regarding keeping and care of an animal in the City.

5.4 Law Enforcement

Council was given a written report.

6. Public Hearing with Action Item for the purpose of receiving public comment and considering action regarding a proposed building moratorium.

Mayor opens public hearing. Clerk verified the hearing was correctly noticed and published. Mayor reviewed the meaning of a moratorium and its uses. It is a tool to be used to give City time to evaluate and fix problems. It can have positive and negative effects on the City. It may influence property owners to abandon development plans and could appear as if we are not open to growth. No written correspondence was submitted.

Signed in opposition was Lupita Connors of 603 Notus Road, Notus. She presented a petition signed by 104 residents in opposition of development and in favor of a moratorium. DeGiorgio asked if moratorium would affect only new annexations and not those properties already inside City limits. Mayor reviews moratorium definition again. Mayor asked Lupita if she is in favor of a moratorium since she presented the petition and she said yes. Her comments will be moved to those "in favor of" the moratorium. Kevin Smith of 326 Fargo Ave, Notus signed in to speak in opposition. He stated there is no clear lay out of problems or details of corrections needed. If you want sidewalks and nice roads, you have to have growth. No one signed in to speak in neutral.

Lupita Connors of 603 Notus Road, Notus is in favor of Moratorium. She presented a petition signed by 104 residents in opposition of development and in favor of a moratorium. Chris Grooms of 694 3rd Street is in favor of a moratorium. The City doesn't know what problems it has, but this gives time to find them. City has a right to act as it needs to. Make wise decisions.

Mayor asked if anyone else wanted to speak, there were none. Mayor closes public hearing. Council deliberates.

Krasowski commented that we can make this into what we want. Do we want to put everything to a stop?

DeGiorgio commented that yes because annexations are depleting our systems, she supports a moratorium. Krasowski stated that if a large development comes, that's within the City boundary, are we able to support that without a moratorium? Need to consider the actions taken for a preliminary plat. City Planner Antonio Conti commented that another thing Council should consider is a conditional use permit process/decision. There is a commercial conditional use permit coming. A moratorium is a moratorium, but you can choose what to put a moratorium on, if you want. That's your prerogative as long as everybody is aware of it. He stated Council needs to make a decision as to why, or what is the goal of this moratorium? Prohibit all building? There are building plans with a condition use request coming from Boise River Pack. Do we tell him no? Krasowski stated that he thought that it would take time for City staff to work on the facility plans to get what we need in them. That's why he is talking about a moratorium. Antonio asked do we know what the problem is and what the solution is? If the problem is no redundant well then, the solution is not going to happen anytime soon because we can't bond for 20 years (to pay for a new well) So the big question is, you don't want development, I understand, great. If the second well (redundant water source) goes down, then the current residents will need to pay for that, there is no one else. DeGiorgio became agitated, asked what kind of scare tactic is that? Stated that's B.S. and you know it. Antonio stated that it is not a scare tactic, it's a fact. City Clerk retains order and reminds attendees that everyone is entitled to their opinion and to be heard. Antonio apologizes. Mayor asked Council if it is their desire to move forward with this moratorium, is there some refinement of language needed to spell out what we do and do not want to limit. Ahlborn stated that he didn't know before the workshops what impact fees would cover. Knows now that it can't pay for current deficiencies. We need to know when a development comes in asking for approval, that this is what we need and this is what we expect. DeGiorgio stated we have measurements of all streets and costs for improving. What's wrong about asking for those? It's their community too. Ahlborn stated that it is good to see they agree on developers paying their fair share. We know now that there is a lot of room for us to say what you are offering us is not what we need, we need this and that. There is a lot of talk about impact fees and from what we know now, that's not an avenue that we can do anything with that will be advantageous. But asking developers to pay what we feel they should, is a great avenue for us. Ahlborn asked DeGiorgio what do we need? She stated that we need to go to the honor system. There is so much evil back biting in this community, in this room, so many things. Just do the right thing. Mayor stated that the common threads mentioned, need to be defined more clearly. If we put in a moratorium, perhaps narrow it down to limit large developments. Antonio suggested to exclude short plats (4 lots or less). Mayor agrees, stating that anything larger than a short plat we can't support. City Attorney stated we can make it as restrictive as we want but the main thing we need to identify is what is creating imminent peril to public health, safety or welfare that requires adoption of this moratorium. So, what is that thing, if it (moratorium) is opposed. Mayor stated that the City (infrastructure) would lack the ability to support a development. Ahlborn stated we need to address: no redundant back up water, sewer capacity, and road capacity to handle more cars. We need to know what our needs are to be able to handle development. A moratorium can be for less than 182 days. He suggests changing the wording of the ordinance. A moratorium is a good tool. Citizens have concerns and we need solutions. Impact fees are not what we need right now. Mayor reads changes to ordinance and title, excluding short plats. DeGiorgio reads from HB 389. Mayor explains that HB 389 limits the amount of revenue a city gets from a new development to only 8% of its taxable value. City's can no longer depend on developments to automatically pay for themselves (through tax revenue). Ahlborn commented that we need to take advantage of development agreements since we can't get revenue from taxable value.

CLERK NOTE DeGiorgio leaves at 8:15 pm.**

Ahlborn states that the ordinance makes sense but would like the third paragraph that is lined through added back in. Krasowski motioned to suspend the three-reading rule and have the ordinance read once, by title only. Ahlborn seconded. Krasowski stated he would like to get this in place since there seems to be pending applications. Roll call was taken with the following action: Krasowski; yes, Ahlborn; yes, Emly; yes. Motion carried. City Clerk reads ordinance by title. Ahlborn motioned to approve the moratorium ordinance for 182 days, adding back in the 3rd paragraph. Krasowski seconded. Roll call was taken with the following action: Ahlborn; yes, Krasowski; yes Emly; yes. Motion carried.

7. Business

7.1 Gem State Planning, Letter of Fact and Conclusion of Law, ACTION ITEM

Ahlborn motioned to approve the letter of fact and conclusion of law dated September 19, 2022. Emly seconded. Roll call was taken with the following action: Ahlborn; yes, Emly; yes, Krasowski; yes. Motion carried.

7.2 Resident Request for building height restriction to be amended in Notus Code, ACTION ITEM

City Clerk reviewed current code and handouts for building height measurement with Council. Russel Walgamott of 474 Jasper requests Council to amend maximum building height of 25 ft. to state standard of 35-40 ft. He also requests Council permission to start his building without current locations of water and sewer lines located and designated by staff. City Clerk indicates that is not on the agenda for decision and is not really a Council action. He commented he is willing to sign a document stating he will do what ever is needed to connect to City services. City Planner suggests increasing setbacks for 2 story homes if increasing maximum height. City can set the maximum height to anything they want to. Chris Grooms from 3rd street commented that City can go stricter than state code but not less than. He is not in favor of changing height restriction. Mayor commented that 30-35 ft is not within the character of the current neighborhoods in Notus. Shorter roof peak height is more compatible with current homes. Renee Taylor stated that this was originally a railroad town and as such had small lots and small homes. Ahlborn motioned to amend code to 30 ft maximum height restriction and remove the 25 ft restriction. Emly seconded. Roll call was taken with the following action: Ahlborn; yes Emly; yes, Krasowski; yes. Motion carried. Ordinance amendment will be brought back to council for approval.

7.3 Zwygart John CPA's, City Auditors Agreement, ACTION ITEM

Mayor reviewed auditors' agreement and amount with Council. Ahlborn motioned to approve the agreement with Zwygart John CPA's for \$8500.00. Krasowski seconded. Roll call was taken with the following action: Ahlborn; yes, Krasowski; yes Emly; yes. Motion carried.

7.4 Valley Regional Transit Funding Request, ACTION ITEM

Ahlborn doesn't see much benefit of the VRT in town. Krasowski agrees. We have no senior center service needs. Ahlborn motioned to deny request. Emly seconded. Roll call was taken with the following action: Ahlborn; yes, Emly; yes, Krasowski; yes. Motion carried.

7.5 Library A/C Repair, ACTION ITEM

Mayor stated that the library A/C needs repair. It drips water back into the building wall. Currently maintenance is cleaning drain tube and water daily. One option is to purchase a battery powered vacuum (\$150-\$200) to make this easier. Repairman said a booster pump to provide better water flow could solve the problem at a cost of \$300 for each unit. Mayor asked building owner, Mr. Watson if his maintenance could come up with a better plan as the brick and stucco wall are crumbling around the unit due to age and water damage. Have not heard back from him. Emly suggested to purchase one vacuum and ask Watson to help come up with a better plan. No decision.

7.6 Water Facility Plan Amendments, ACTION ITEM

Mayor stated that he and Tyler had refined the alternatives. We will need to hold another 14-day public comment period because it was not published in Spanish. Engineer, Mike Woodworth said the alternatives could be part of his plan outline. Meeting on Oct 17th, 2022 will be the date for final selection of an alternative. Mayor asked Council to review alternatives and be ready to make a selection.

7.7 Sewer Line, Jasper Ave/Tower Park, Update

Tyler is still looking into access to the sewer lines. Contacted Master Rooter who cleaned lines in the area previously and they remembered a 6" line along east side of property, next to irrigation ditch, that connects to main line outside of the manhole in Tower Park (other side of Jasper Ave). City is seeking information of recorded easements to see if this is a private line or a city line (although it is undersized for a sewer main line).

8. Mayor & Council Comment

NONE

9. Adjournment

Ahlborn motioned to adjourn. Emly seconded. All in favor. Meeting adjourned at 10:20 PM.

Respectfully submitted by Loretta Vollmer, City Clerk _____

Approved by David Porterfield, Mayor _____