

MINUTES OF THE MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO HELD MAY 6TH, 2020.

Due to the threat of COVID-19 and limiting public gatherings, the City Council Meeting was held by conference call.

MEETING CALLED TO ORDER AT 5:00PM BY AUSTIN W. ROBINSON, MAYOR.

ROLL CALL SHOWED THE FOLLOWING PRESENT: AUSTIN W. ROBINSON, MAYOR  
MITCHELL J. HART, PRES. via telephone  
JON D. GOODE via telephone  
ROBERT M. LAU  
SCOTT K. GAMBLES via telephone

EXCUSED:

Also present via conference call:

Mark Steele

Kathy Ray, 4CASI

Barbara Sessions, Silver Star COO

Eric Gewiss, Silver Star Director of Marketing

Tim May, Direct Communications General Manager

Alan Skinner, Director

Tausha Vorwaller, Clerk

Gregg Haney, Attorney

Chief Scott Shaw II

The invocation was given by Kathy Ray, Mayor Robinson then led everyone in the 'Pledge of Allegiance'.

The previous meeting minutes were presented for review. Councilmember Goode stated he had reviewed and noted no changes he then moved to dispense with the reading and approve the April 15<sup>th</sup>, 2020 minutes as currently drafted. Councilmember Hart seconded the motion. All in favor, motion carried.

The accounts payable and payroll were reviewed. Councilmember Gambles moved to approve the accounts payable for April 14<sup>th</sup> through April 30<sup>th</sup>, 2020 and the payroll for the April, 2020, seconded by Councilmember Goode. Councilmember Lau asked about shared reimbursement for department supervisor's cell phones noting a substantial difference in payments. Clerk Vorwaller explained the Parks Supervisor payment may be more than one month and she will check on it. Councilmember Lau suggested setting a flat amount to offset the personal cell phone cost. Councilmember Goode agreed. A vote on the motion was called. All in favor, motion carried

(SEE ATTACHED ACCOUNTS PAYABLE & PAYROLL REGISTERS FOR DETAIL)

Kathy Ray, Economic Development Specialist for the 4 County Alliance of Southeast Idaho (4CASI) reviewed a summary of her activity as reported to the Idaho Department of Commerce who oversees the program. She detailed many of the projects she is working on mentioning she is currently keeping businesses updated on the COVID-19 assistance programs that are available. Mrs. Ray requested the City's annual support as in the past

which includes a commitment of \$3000 and providing office space for an in-kind amount of \$4800. Councilmember Hart noted the City is also providing office space for the Idaho Department of Labor and would like that to be recognized in the commitment letter. Councilmember Goode moved to approve the commitment for \$3000 for fiscal year 2021 subsequent to the approval of our budget along with the in-kind amount of \$9600 for office space for 4CASI and the Idaho Department of Labor. Councilmember Hart seconded the motion. Councilmember Hart asked if anyone had dropped out of the group. Mrs. Ray explained Franklin County dropped out and Preston City hired their own economic development person who she works closely with and they are still committing funding. She also mentioned she meets with Caribou County on Monday. Councilmember Hart encouraged the County to continue their support. A vote on the motion was called. All in favor, motion carried.

Barbara Sessions, Silver Star's Chief Operating Officer informed the Mayor and Council that Silver Star has sold most of the Soda Springs assets to Direct Communications. They will retain only the mobile wireless network customers. Tim May, Direct Communications General Manager and Eric Gewiss, Silver Star Director of Marketing were also in attendance via conference call. The Soda Springs assets will be transferred to Direct Communications prior to May 31<sup>st</sup>. A notice will be sent out to the Soda Springs customers and it will also be in the newspaper. Mrs. Sessions expressed her appreciation for working with Soda Springs and they have great respect for Direct Communications who will be a good fit and already serve all the surrounding areas. They plan to make it as smooth a transition as possible especially during these difficult times. Councilmember Goode asked if Direct Communications envisioned significant changes in service or rates. Mr. May explained all customers will be grandfathered in at their current rates and level of service but they plan to upgrade the system and offer a better level of service. The speed will increase with upgraded electronics and they will be encouraging more hook-ups to the fiber optics. Councilmember Hart asked if Direct Communications will maintain a store front. Mr. May stated they are evaluating that possibility but currently are not planning to have a store here and noted there is one in Paris, Idaho. They also don't plan on offering cable TV but will be upgrading streaming capability. The fiber backbone will be maintained by Silver Star along with Direct Communications who shares ownership. Mr. May added they plan to heavily invest in getting fiber to the commercial customers. Councilmember Hart requested they work closely with the City on agreements, right-of-ways, franchise and interesting infrastructure routes with hand shake agreements that need to be memorialized. Mrs. Sessions added they have tried to make Direct Communications aware of these agreements and are working on getting them documented. The Mayor thanked all for their time.

The Council revisited the Farmers Market. Clerk Vorwaller reported that Mrs. Weeks had reached out regarding the certification and was informed the wording was not intended to be a requirement of the Governor's order. The Council supported the Farmers Market but agreed they would need to comply with the staged guidelines. Councilmember Goode moved to allow the farmers market to utilize the City Park after providing an acceptable plan on how they will comply with the Governor's Stages of Reopening Idaho protocols.

Councilmember Hart seconded the motion. All in favor, motion carried. Director Skinner commented they do not plan to open until the first week of June.

The Council viewed a series of pictures from the Formation Spring well house and tie-in construction. The mechanical tie-in and hot tap is scheduled for Thursday and Friday and then they will start running the 700 feet of discharge line. They are still waiting on the check valve and flow meter. Director Skinner noted the well house is 24 feet below the surface and is 16' x 28'. The water tight mastic compound used to seal the segments was briefly discussed.

Director Skinner informed the Mayor and Council that they are struggling to keep the hydro plants running and both are currently down. The #4 plant at Hooper Spring has been down since the turbine rebuild last year because of an electrical synchronization issue. The local electricians do not have the expertise. Perk's Electric did reach out to a colleague and they recommended not running it until the switch gear is changed out for reliability and safety. The switch gear is original since 1954. They quoted \$115,000. Director Skinner explained he is trying to find someone with some experience in this area and has reached out to an engineering firm in California and Idaho Falls Power along with requesting a quote from Bear River Electric. The #5 hydro plant went down on Friday night and think it is a short in the temperature switch. The City needs to come up with a resource to get quicker service. The problem is finding someone who knows the older technology. Councilmember Hart suggested reaching out to Bonneville Power. Councilmember Lau suggested that a local welder that maintains two small hydro plants may have an electrician contact.

The resolution for adoption of the Comprehensive Plan was presented for consideration. Councilmember Lau stated he had visited with Councilmember Hart and still has several questions and doesn't feel this document is ready to go. He mentioned some minor issues in the document that are not correct but his biggest concern is with the lack of incorporation of the public's input gathered from the meetings held and the Comprehensive Plan Advisory Committee (CPAC) groups recommendations. Councilmember Lau expressed his strong opinion that this plan provides no guidance for the future development or growth of the community and is not a visionary document as it is intended to be. He feels the Planning and Zoning Committee (P & Z) didn't really have the dialogue needed and didn't feel empowered to make those decisions. Councilmember Goode was surprised at this perception and feels the Council instructed the P & Z on what they wanted and he believes the CPAC's recommendations have been reviewed and considered and it was agreed they would be used to create a Community Improvement Plan (CIP). He expressed his opinion that there needed to be something other than the 2008 Plan in place and noted it can always be changed in the future. Councilmember Hart expressed his understanding that it was the consensus of the Council to adopt the Plan as structured and move forward with creating a CIP to capture and prioritize the areas for improvement within the city and then formulate a plan to focus on those improvements. He feels this is a more functional approach than trying to include all of that in one document. Councilmember Hart expressed his frustration with Councilmember Lau's last minute opposition pointing out he and Councilmember Goode spent a fair amount of time

reviewing and compiling the CPAC's recommendations and no one provided any comments. Councilmember Hart and Goode agreed the Council owes it to the P & Z to move forward with the Plan and creation of the CIP which will incorporate the CPAC's priorities. Councilmember Goode suggested a consultant would probably need to be hired because the City doesn't have the resources. Councilmember Goode moved to approve Resolution 2020-2 adopting the Comprehensive Plan including the Future Land Use Map (FLUM) as presented by the P & Z Commission, dated May 6, 2020. Councilmember Gambles seconded the motion. Councilmember Gambles expressed his desire to keep working on incorporating the CPAC's recommendations into a CIP. Councilmember Lau noted there is no mention of the CIP in the Plan or resolution. Attorney Haney clarified the CIP is not required by law but the Comprehensive Plan is. A vote on the motion to approve Resolution 2020-2 adopting the new Comprehensive Plan and FLUM was called. All in favor, except Councilmember Lau, who was opposed. Councilmember Lau's opposition was based on it not being a visionary document and also that he felt the Council was ignoring the public input and that no material changes were made to the document following the public meeting the P & Z held in January 2019. Motion carried.

(See attached copy of Resolution 2020-2 – original on file)

Clerk Vorwaller presented a draft internal control document for review. The document requested by the auditors is a guide for how the City will handle grant funds and projects. Councilmember Hart moved to approve the internal control policy as drafted, seconded by Councilmember Lau. All in favor, motion carried.

The Mayor gave a brief update on COVID-19 and the County and Governor's conference calls he has sat in on. The City Hall continues to do business through the drive up window and will review reopening after May 15<sup>th</sup>. The Library has made a few adjustments to their hours and operation in accordance with the Governor's plan.

Director Skinner presented a new Industrial Park lease for the former Mason Distributing building that included two lots and the additional lot #7 for Dan and Tiffany Smith who own Associated Towing. They plan to install a privacy fence and have no vehicles stored on site longer than 90 days. Councilmember Hart asked if everyone was confident the lease covers the conditions the City wants to impose to protect the lots from becoming a long term junk yard. Councilmember Goode suggested including the requirement of a performance bond. Director Skinner stated that is an option but it has never been required. Attorney Haney noted the City was protected by the language in the lease that they can't keep anything on site longer than 90 days and requires all items be removed if they vacate. Director Skinner stated the Smiths have reviewed and agreed to the lease. Councilmember Hart moved to approve the lease for Dan and Tiffany Smith and authorize the Mayor's signature on behalf of the City. Councilmember Goode seconded the motion. All in favor, motion carried.

The Mayor and Council discussed the challenges of the upcoming 4<sup>th</sup> of July Celebration due to the COVID-19 pandemic and the Governor's Stages of Reopening Idaho protocols. The

Mayor noted the Lions Club plans to meet and discuss how to handle the breakfast which is their biggest fundraiser of the year. Director Skinner reported on the Rotary Clubs discussion held today. They discussed being able to hold the fireworks and provide parking in the mud bog area asking people to stay in their cars. The concert and parade are more of a challenge along with the vendors in the park. The Rotary concert and fireworks are already fully paid for. The Rotary would like guidance from the City and they would like to make a decision at the latest by June 1st. Councilmember Hart noted that Stage 4 still operates under limited distancing protocols. Councilmember Lau suggested lengthening the route of the parade so the spectators can spread out. Councilmember Hart agreed the idea could be explored and noted the 4<sup>th</sup> falls on a Saturday which usually has a larger attendance. Mayor Robinson expressed his frustration with the limitations and the economic impact and his desire for things to get back to normal. Councilmember Hart acknowledged the challenges of these groups being able to comply with the Governor's guidelines noting were all in this together and the City shouldn't have to provide all the answers. Director Skinner stated the Rotary is questioning whether the parade and concert are even feasible. The Council is open for suggestions but agree we need to be consistent with what the Governor is recommending. The 4<sup>th</sup> of July activities will be revisited next meeting.

Councilmember Hart moved to approve entering into executive session pursuant to I.C. 74-206(1)(f) to communicate with legal counsel regarding probable litigation.

Councilmember Gambles seconded the motion. A roll call showed the following vote:

Those voting aye:	Mitch Hart	Those voting nay:	none
	Scott Gambles		
	Robert Lau		
	Jon Goode	Absent:	none

Motion Carried.

Councilmember Goode moved to exit executive session, seconded by Councilmember Lau. All in favor, motion carried.

Councilmember Hart moved to adjourn the meeting at 7:15pm, seconded by Councilmember Goode. All in favor, motion carried.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL THIS 20<sup>TH</sup> DAY OF MAY, 2020.

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Austin W. Robinson, Mayor

ATTEST:

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Tausha Vorwaller, Clerk