

**MINUTES OF THE MEETING OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SODA SPRINGS,  
CARIBOU COUNTY, IDAHO HELD APRIL 17, 2024.**

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

**ROLL CALL SHOWED THE FOLLOWING PRESENT:**

Mitchell J. Hart, Pres. Via Goto Meeting  
Rod Worthington  
Paul Gritton  
Ryan Carpenter

**EXCUSED:** Austin W. Robinson, Mayor

**ALSO PRESENT:**

Alan Skinner, City Engineer	Galen Wilson
Andrea Haderlie, Clerk	Doug Wood
Scott Shaw, Police Chief	Brandon Hall
Justin Hansen, Director	Brock Byram
Dan Squires, Director	Andrew Richardson

**1. Roll call & Additions to Agenda:**

Councilman Carpenter welcomed everyone to the council meeting. Councilmember Hart is attending via GoTo Meeting, and all Council members are present. Mayor Robinson is excused. Attorney Doug Wood did the invocation. Councilman Carpenter led the Pledge of Allegiance.

**2. Review & Approval:**

Councilman Carpenter requested the council review the April 3, 2024 minutes. Councilman Worthington motioned to accept the minutes as written. Councilman Gritton seconded the motion. All in favor, Motion carried.

Councilman Carpenter requested the council review accounts payables from April 1 through April 16, 2024. Councilman Worthington questioned item 1930 City Hall annual support and maintenance. Clerk Haderlie commented that it is Caselle's responsibility to import our credit card. He questioned item 2160, City of Pocatello transit. Clerk Haderlie commented that it is our local PRT bus for rural communities to transfer people to and from Pocatello and to and from Montpelier; it is the city's contributed yearly amount. He questioned item 5065 for advertising. Engineer Skinner stated that's a public announcement for the bids on the Mainstreet Project and the schedule for the bid meeting. Bids are put in both local papers and the Pocatello Idaho State Journal. Councilman Gritton questioned item 11174: are those two snow plow trucks? Director Hansen commented those are for the two chassis themselves. Once the outfitting is done, another contractor will charge plows, beds, and sanders separately. They're both in Caldwell, ID, and two months to get everything set up. Councilman Carpenter questioned Director Hansen about the tires on the sweeper. How's the sweeper doing? Director Hansen said they have had it out for about a week. Right now, we're concentrating on the highway, curb, gutter, and a little bit in residential areas. Councilman Gritton motioned to accept the account payables as written. Councilman Worthington seconded the motion. All in favor, Motion carried.

**(SEE ATTACHED ACCOUNTS PAYABLE REGISTER FOR DETAILS)**

### 3. Appointments:

#### Citizen Input:

Councilman Carpenter opened the floor for citizen input. Galen Wilson of 21 East Hopkins Lane. Two things. He had heard about how the trails out to Kelly Park were a mess. And especially the lower trail and how bad it was. He went for a walk with his dog yesterday with volunteers to check things out. He saw Director Hansen and his crew cleaning it up and would like to compliment Director Hansen on that lower trail. He saw that the new pipes had been put in several years ago; Kirk Young and Mr. Wilson volunteered to maintain the trails, especially those used by the cross-country team. And so we haven't been as good as we would like. He mentioned as he walked through there that it looked perfect. There is one spot in the north where you come out of the trees. There's the last tube that goes under and a big wet spot behind the central part that needs some fill or sand. He wanted to thank Director Hansen and his crew for their work.

Mr. Wilson also commented that the Caribou Historical Society has a bench they purchased with some money that was donated years ago, and in honor of Tony Varilone, the Hooper cut-off loop we put in was put in a few years back. There's a bench that we want to put on that. And right after you cross the bridge heading west, you come up to the fence. There's a corner where we'll put the bench. He wanted the council to know that they were installing the bench. It is the spot that isn't as level as he would like and needs a little work. He asked if they could get a skid steer to level it out or if the city preferred to level it and help him out. They will install a sign behind the bench in honor of Toni Varilone.

Galen Wilson mentioned that one of my church colleagues is the Stake Justserve Specialist. He wanted to talk a little bit about Justserve. The church has created a website whose primary purpose is to unite the community and its residents to provide a place for nonprofit charitable organizations to post service projects that they need to have done and a place for people who want to volunteer to work on these projects or are looking for a project. Volunteers can go to this website [justserve.org](http://justserve.org), and you can go to that website and look for a project if that's what you're interested in working on. Or if you need a project for your nonprofit, there is strictly no money to be involved, so that's where you can go and post to your project. So, I've already thought of two or three things we must do for nonprofits like the Caribou Historical Society. Suppose any of the churches in town need to have something. That is one of them that was done last year. And that was done through Jillian Lloyd. She was a Justserve specialist from Grace, and she was the one who encouraged our stake to get on the ball and get one up and running in Soda Springs. One example of a project last year was Presbyterian Church, whose daycare center needed work. It happened through the Justserve program. The Pocatello group had one where they had a lot of their youth get together and go clean up the cemeteries. He mentioned a young women's group from the Utah area that's coming up here this summer to the girl's camp, and part of their girl's camp is to spend a day doing some service; they've contacted me, and they're looking for some projects. He is working with them to determine what we can do to help them. He wanted to inform the council a bit about what it was and some of the groups he knows of in town that we could do, like the high schools, the clubs, the athletic teams, and maybe even a senior project that might fall into it. We got the Caribou Historical Society, the Boy Scouts, and the Girl Scouts last year. They wanted to work on a project monthly, and they worked on one of our fences over the Historical Society Museum. The City of Soda Springs can be an organization that would like to have a project listed. As he looked through this site, the City of Grace was one of them. They've been working with the mayor. It is designated for nonprofits; if a family wants a project and wants their family to work on it, they can look up this website. He tried contacting all the nonprofits and will meet with the Caribou Development Foundation next week. Engineer Skinner mentioned a list of things to clean up with the CDF. Mr. Wilson mentioned getting the city set up as an organization. There have been questions about whether they can help individuals, and the only way you can help an individual is through a nonprofit organization like the city. The city has projects where they want to help some widows or someone clean up their yard or stuff like

that. The only way you can do it for individuals. Justserve is mainly for nonprofit charitable organizations. Councilman Gritton questioned if you are seeking ideas for projects now. Mr. Wilson replied that he is letting the city know he is the person you will contact if you have one. The City can create the organization and list projects. Once you get your organization set on there, it's set. Then, you go on to make a project and attach your organization.

#### **4. Unfinished business:**

Engineer Skinner updated the Council on the Main Street Project; it is out for bid and pre-bid conferences on Friday, April 19, 2024. The business owner's meeting is next Thursday, April 25, 2024. Bids are due on April 26<sup>th</sup> at 6 PM. Letters will be handed out to the business owners tomorrow. It will be posted as a Special meeting.

Engineer Skinner updated on the Maverik store. They just started putting the structure up on Monday. The updated pictures of the twin homes show the foundations are dug for the following twin homes: nine and ten plus two. Picture of Highland Way is the four-plex, and there's an item on the agenda a little later to discuss how to handle being able to sell the units individually in a four-plex within that subdivision. Councilman Worthington questioned if that's the zoning portion. Engineer Skinner commented it's in agreement with zoning; multifamily units are allowed in the R-3 zone; it doesn't say you can sell them to four different individuals rather than one owner, and that's what this will answer. At least it's a proposal for the council to decide to proceed, and they'll get their attorney to draw it up. Update on Liberty Dodge pictures of the front and the back. They've got quite a bit of structural steel up. Update on Maverik: You can see the first tank set Friday morning, the foundation, and the bottom of the hole they dug to place the tanks. There's the tight foundation at the tie-down straps to see one tank installed and the rest there. The other picture shows three tanks from the final. They were starting to backfill by three o'clock in the afternoon. Maverik will have all the different fuel grades in the front gas tanks, and then they'll have tanks in the back for diesel fuel.

Update on the Ledge Creek property transfers. Councilman Hart updated. He mentioned the City will be receiving final agreements from Nutrien's lawyer in the near term. We have a placeholder closing date and time: May 2, 2024, at 3 PM at Alliance Title in Soda Springs. Kim Lindstrom will be the one who helps us and receives all the documents with the signatures. Councilman Gritton questioned who should be at that signing. Councilman Hart stated that Mayor Robinson would be the signing, and Clerk Haderlie would be there also.

Update on Bayer water and wastewater. Councilman Hart commented Director Squires is evaluating the phosphorus removal circuit, the sidestream, and the sand field. He's been working on that, and it's not running currently. We have too much inflow, and the sand level is down. We've run a period, and Director Squires has seen some improvements or effects on phosphorus, but we need more time and consistency. Director Squires mentioned it's made a difference but could be efficient once the sand levels are brought back up to where they need to be and is working on some quotes to get sand. He mentioned some things that are working against it, such as infiltration. The Octagon Springs area was a big issue. He had Coats and Coats come in, and we found some infiltration in water lines and sewers. Yesterday, he shut the water off on North Main for the entire day, and our infiltration went down by about half. We've got two issues: a water leak somewhere on North Main that has not surfaced and is finding its way to the sewer. Then, they have naturally occurring groundwater that goes to the sewer. We're talking to Director Hansen, and we started to dry up Octagon Park, where the swamp is; we need to find a leak, fix the leak, and see how much more water we have getting in the sewer. Then, we need to plan how to eliminate the groundwater from getting in sewer and not flooding Octagon Park because the sewer has acted as the underdrain to take the groundwater away from Octagon Park. But once I fix the leaky sewer joints, the groundwater is not going to get in the sewer anymore; it's going to go somewhere, and it's going to go into the park. We're working on that and hope to do some leak detection tomorrow; if we can't find it, the leak protection guy will be here on April 29th for about seven days; he'll find it, and we'll fix them. In

the worst-case scenario, about 300 feet of pipe needs to be replaced; we may start just replacing pipes if that's what we must do. I can isolate that system a bit, and he can see a reduction of between 150,000 and 200,000 gallons at the treatment plant in 24 hours. We need to address it, and we're working towards it. It's been the hangup of a treatment plant that the flows are way up, which they always are at this time of year because of groundwater infiltration. Once the flows are off, the filters can handle about a million gallons a day, and right now, we're down to 1.2 Million, but for about the last month and a half, we've been 1.4, 1.5 to 1.6 million gallons a day, and our filters will not do that much flow. To continue with this side stream treatment pilot, he is doing he can't run the filters till he gets the flow down, biologically we're going to have to run the filter, and we need to eliminate some flow. He has some leads on some sand and is working on shipping costs. It won't be as expensive as he feared, but it will still not be cheap. It's doable once he can get more hard numbers on shipping. He has hard numbers on sand, but it is not shipping. Councilman Carpenter questioned how much sand do you need? Director Squires stated 25 and a half tons of 17 super sacks, about 18 cubic yards, a special kind of sand. It's called ESRI number eight. This is the sand the filter originally filled with, and he wants to put that back in. Councilman Carpenter questioned if there was another area of infiltration. Director Squires commented yes, on First North, the problem is that there's so much water in the sewer lines that when you set the crawler camera up, it's underwater. We have a 10-inch pipe that is three-quarters, and full cameras are only five inches tall. It's below the water level. He has thrown around some ideas of bypass pumping out of a maintenance hole and down the road into the maintenance hole. So we have a dry section of pipe that is better than the infiltration, and then we can run the camera and maybe see where it's coming from. Until I have a leak detection study done because maybe it is potable water lines leaking that are finding their way to the sewer. And that's why they're not surfacing: they found the path of least resistance, the sewer. So if we find drinking water lines are leaking, we can fix them and see what effect that has on the sewer at the same time. Councilman Hart mentioned the wastewater treatment plant. We made a request, and Bayer is in our system. To determine moving forward and look at things holistically as far as costs go, we've asked them to understand, if they did not utilize our service to handle their wastewater, what it would cost them to do it on their own. We've provided them essentially the as-built or the design, the construction report for the wastewater treatment plant they're reviewing with their consultant, WSP; engineers want to walk through the wastewater treatment plant. We've got that scheduled for April 30<sup>th</sup> at two o'clock. We will meet with Bayer to talk about wastewater and drinking water and look at the data and calibrate where. Engineer Skinner provided Bayer with large reports, but they didn't want any prints. As drinking water goes, the agreements that were discussed, drafts, and both the wastewater and the drinking water were given to Bayer on the 3<sup>rd</sup> of April. The only feedback we've got is on the water side of things. We informed them they have no backup of the Formation water line because of distance and elevation. Bayer asked about what backups or redundancies we have within the system to mitigate that. Councilman Hart has a tentative meeting set up with Jason next week. We need to do some things on our side; when Tronox came in and started working on the site, a relocation needed to be done on the transmission line. And so they paid to relocate that and upgrade the line, but portions are still original or old. There needs to be an assessment for how much of that line is old and if it may be at risk that we need to upgrade. Director Squires has that on his to-do list, and the City can understand the length and estimate the cost. It would be part of the backup or redundancy to mitigate that risk. We will chat with Bayer about a pump system to push it up the hill, and they can utilize their water tank to add more tank capacity. We've bounced around several things that we'll work on further with them. Councilman Worthington asked whether we have redundancies. Director Squires stated we have redundancies, but the redundancy does not include Bayer. They're too far north to the tank's elevation, and our water tank is lower than the Bayer plant, and it cannot feed water from the tank to the Bayer plant. He mentioned he can get the Bayer plant water from the formation, but if the formation goes down, the city can feed 99% of the city but cannot get it that far North.

Some other ideas we've tossed around will be on Bayer's plate. Councilman Carpenter questioned the Tronox site, where they have a capped-off service line. Director Squires stated there's a two-inch line on-site, a meter in place, and it is shut off. But when the Tronox site built the fertilizer plant, our 18-inch waterline ran through the middle of where they were building the fertilizer plant. They had to move the water line down the side of the road, and that is all new plastic pipe, and I know where it starts and ends. Everything east and west of that is still labeled steel and cement lines pipe. If there's going to be an issue of formation, that will be a pipe break because it's all gravity, and there are no pumps or electricity. If we have an issue, it will be a mainline issue in which we have parts on hand and fairly readily to be fixed unless it's under the highway, the railroad tracks, or something like that. And then it could be a lengthy outage for them. It's bigger; it runs down the Trail Canyon Road, parallel to the tracks, goes under the tracks, and then is on the other side of the Bayer side of the highway.

Councilman Hart updated the service missionary agreement before Gregg passed away; he had talked to the church's attorney. He had reread this agreement and thinks Gregg had misread it; there is a general liability insurance clause in there that pointed to us rather than them. Gregg had understood that they needed to maintain a million-dollar liability policy and was working that out with their attorneys. Their coordinator, an older couple, and Elder Porter wanted to ask to help him out by providing service opportunities for three missionaries in Soda Springs. Director Hansen did get one of them to work with him during the summer, Andrew Richardson. They're anxious for us to concur and look for opportunities to have these missionaries support the city; if they do something like Director Hansen's crew, they must have the proper training. He questioned if there was something at City Hall they could do. From a perception standpoint, the library is a little tricky because they need to avoid interacting too much with little kids. Engineer Skinner mentioned that we have the insurance, but are volunteers covered under ICRMP? We have the insurance, but it would be a volunteer to be covered. It should be correct. We've always been told in the past, yes. A call to Mark Andreasen to see if that's the case. Are they covered as volunteers? Is the same thing with the stuff Galen passed out? Are they covered under our insurance as volunteers? Councilman Carpenter opened the discussion with Douglas Wood in the audience. Douglas Wood stated that the City of Grace had a similar contract for him to review. Workers comp is one thing I would look at a little closer. And, the fees associated with that, even with people he has with community service that have hours that need to get done, the county also has to pay that for them. It's like 60 cents an hour; that's another thing you may look at. Engineer Skinner will call the insurance for additional information. The City Attorney must close all our loopholes and read over their MOU. It will be an excellent opportunity for them to serve and for us to get free labor. Councilman Hart questioned whether the City of Grace had signed an agreement with the church, as far as you know. Attorney Wood stated it sounded very similar to the one Grace sent him, and they talked about the liability or the insurance costs. They're doing service and getting experiences they can't get elsewhere. So it's a win-win. Elder Richardson, what have you done? Have you had some service opportunities around? Elder Richardson commented that he had volunteered in the elementary school and helped kids with reading, addition, and other things. On Wednesdays, at the Senior Center, I helped them with their meals on wheels and washed their lunch dishes after all the senior citizens ate them. Some are in Montpelier, and one is in Grace. But we're just looking for more opportunities to serve here locally so that we don't have missionaries driving everywhere all the time. Councilman Hart asked Engineer Skinner and Chelsey to check with Mark, ICRIMP, and Workman Comp. He doesn't know how that would apply. Well, look into it. We'll probably need another couple of weeks before we can execute it.

Highlandway HOA proposal Engineer Skinner explained the Highlandway HOA proposal, and the four Plex have been built. Our code allows R-3 multifamily units to be built but does not mention selling them individually. The email is the developer's proposal; the land directly underneath each unit with the garage would be the purchaser's property. And then the rest of the area would be combined with all of them, and they

would set up an HOA and raise funds through membership fees for future roof repairs, painting, siding, maintenance, and also they will take care of the lawns and the sprinkler systems. That's how they would like to proceed. Planning and zoning discussed the proposal at the meeting, but they didn't have many comments about it. He provided the minutes to the council. The property owner is ready to proceed with their attorney to draw up the proposal. And eventually, the developer and the city could sign. The minimum lot sizes, seven or 8000 square feet, are over 13,000 square feet, but how do you sell to different people rather than maintain the whole building under one owner? The current owner would like to proceed this way and in the future. That subdivision would have up to 40 units and ten more four-plexes. He is presenting this to the council for any comments or questions or telling her to go ahead and proceed to draw up the document. It is not much different than restrictive covenants with every subdivision other than individual ownership on one parcel of land. Councilman Worthington questioned whether it would be mixed. Councilman Hart questioned if it was going to be a subdivision HOA. Or is each four-plex going to be an HOA? Engineer Skinner explained it would cover all ten fourplexes as they're built. Councilman Hart stated he has a nephew in Portland who bought a townhouse; each four-plex is its own HOA. The owner said they are proposing to apply this strategy to the entire project, as it will be set up in the same way for all 40 units belonging to the HOA; from my understanding, a single HOA would cover all 40 units. Councilman Worthington clarified that they're going to sell each one of these. Councilman Gritton commented our legal counsel should review this. Engineer Skinner mentioned they are looking for right now to go ahead and draw it up. We're not saying this is a done deal. Councilman Carpenter commented he would like to see what they present, and then they'll give us a little time to see what everybody else is doing. Engineer Skinner told the owner, as the building inspector, he can't issue a certificate of occupancy until this is resolved. Which means they can't sell. The Council agreed to give the owner the go-ahead to draw up the HOA proposal for their review. Councilman Worthington questioned if Engineer Skinner had heard anything from the Tosobia Falls subdivision. Engineer Skinner said they're calling him weekly and working on financing plans. They will still install roads and utilities on the site this summer. They may not see housing go up, but at least they will service the areas, finish that, and start construction. Councilman Worthington questioned if there has been anything on Cardinal Cove. Engineer Skinner stated he had not heard anything from them.

#### **5. New Business:**

Clerk Haderlie received an email that stated the current postage machine will be discontinued as of June 30, 2024. She had the account representative send a quote on a new machine similar to what we currently have; it will use all the supplies we purchased for the old one. The total purchase price is \$3,316.87. We also have to pay a monthly and annual fee for the postage machine, which consists of maintenance and sending us updates on when the postage is updated. She mentioned that we pay \$979.02 per year, quarterly, and annually, for our old postage machine. The new postage machine will save \$40.32, making our yearly and quarterly \$938.70. Councilman Gritton motioned for Clerk Haderlie to purchase the postage machine. Councilman Hart seconded the motion. All in favor, motion carried. Councilman Worthington stated his only discussion is as Council; they fully trust our directors. It is great to have the information. We get it done.

Engineer Skinner explained septage, and the county did a study in 2003 to put a safety receiving station in the landfill. Their estimate is \$265,000; JUB did the study. When the city was building the treatment plant, there was a letter from Mayor Hansen. He went to the county and asked us to waive their building permit fees to remodel the courthouse. He said fine, we'll waive the fees, but we want \$194,000 to include the septage received in the new plant. The county paid that amount to the City in 2012. Engineer Skinner stated that the city has a minimal septic system; most county residents have septic. The city has been approached by people outside the county who want to use our system, so it's coming to the council. Director Squires needs to decide whether we accept it and, if we do, under what conditions; there are limits, only 2000 gallons a day, a separate

tank, and it is locked. Somebody has to be there to receive it. Dan, is the driver on this? What works best for him, and do we accept outside the county? Councilman Worthington questioned whether we had had this discussion before. Director Squires stated he thought this was brought up when the city built the treatment plant but did not know that the decision was made on what that decision was. Engineer Skinner mentioned they cannot find a resolution or ordinance. He could discover meeting minutes that said 98% of the septage would be coming from the county. Director Squires did not want to tell this individual. Yes, bring it here and step on what we decided 12 to 13 years ago when the treatment plant was built. If that was, we weren't going to take any out-of-county waste. It doesn't matter to him if we take it; it's not a burden. It makes us a little bit of money. Not a lot of money. If there was an agreement between the county and they gave us \$194,000 in agreement that we would only accept in County waste, I don't want to take out of county waste and break that agreement. Councilman Worthington questioned whether bringing some substance into our facility was risky. Engineer Skinner stated we have the system to store and meter it in. Director Squires stated he has no concerns. There is a limit to 2000 gallons per day, but if somebody dumps at seven in the morning, I have run through the pipe by two o'clock that day. They want to bring another 2000 gallons. He will hold it in the tank and leave it for the next day, that night, or whenever he sees it at the plant. It is the most suitable time to take it, but he won't accept it the next day. All the septic haulers know that and call me before bringing it. It's a first come, first served. Engineer Skinner mentioned they are asking for a resolution. Councilman Carpenter questioned whether this person who came was out of the county. Engineer Skinner mentioned that people with sewage lagoons were accepting it, and some of them weren't even charged, and now they can't dump septage anywhere but a sewer plant. In turn, they can't find a place to dump it now. Director Squires stated it is either us or they have to drive to Pocatello to dump. We are more money per gallon than Pocatello, but it's about the same when they haul it there. This guy primarily works around Bear Lake and Garden City. Councilman Worthington questioned if they had discussed this issue. Councilman Carpenter commented they had with Craig Davis dumping his porta potties. Director Squires stated in six years, all we've had is Craig Davis, and last year, we accepted 101,000 gallons of septage, and we made about \$17,000; it's not a moneymaker, but we're not losing money. He said if we don't accept it, where will they dump it? Brock Byram questioned why they don't dump in Montpelier. Director Squires replied that they did not have a mechanical plant; they used to take it, and now they found out that was a bad idea. The Council discussed in-county versus out-of-county pricing. Councilman Carpenter mentioned we'll lean heavily on Director Squires's expert opinion if you don't see a problem. Director Squires stated in some ways, it helps me. We just talked about the INI issue. I have to remove 85% of what comes in; it's hard to remove 85% of already clean water. When there is septage, the BOD and TSS are way high. It's straightforward to remove 85% of that. But when the water is already clean, I still have to remove 85%, whether clean or dirty. Councilman Hart commented you're suggesting a resolution then. Director Squires suggested a resolution to dictate the amount of insurance they require and said they would like to see something a little more formal than what we have. Engineer Skinner mentioned some guidelines for managing it. Director Squires explained that the treatment plant could be ultimately wiped out if he something bad gets brought in. He suggested the insurance that we can go back and collect on to bring things back on. Engineer Skinner mentioned that the city attorney could write the resolution. Director Squires questioned what the decision was so he could talk to the gentleman who asked to dump the septage from out of the county. Councilman Carpenter stated that we are drafting a resolution because we don't want to jump in on a rock pile. We are consulting with our legal team and have some stipulations or criteria that need to be met for the future. Director Squires mentioned they have to follow some things with the health department regarding septic tank pumpers, and there are some guidelines they have to adhere to that are not necessarily from us. He also commented we also need to put in the resolution that we can deny any if we needed or if the treatment plant is upset or we have a process down, the city can deny any for however long, indefinitely, if it needs to be.

Councilman Carpenter suggested Director Squires put bullet points you want in the resolution.

Impact area application review. Engineer Skinner presented Mr. Shepperd's zoning amendment. The six cottages, a house, and a shop behind Custom Iron are in the impact zone. The city has 30 days to comment that the county must have the meeting and follow the city's zoning code. The application is in the folder; there is a copy of the two Planning and Zoning meeting minutes from March and April. In 2005, the zoning was changed from C-2 to A-1 to allow a wildlife park. Now, he's requested to return that to the C-2, which allows multifamily housing units and the shop. Mr. Shepperd only has 26 feet of road width to the highway; a power line will be installed on the road to supply power to the property. The city is arranging for Rocky Mountain Power to put that in, and he will be billed for the installation. Mr. Shepperd requested three-phase power so they would have set poles on the other side of the highway from the animal clinic, cross the highway, and then go down that 26-foot road. Councilman Gritton questioned why the city was arranging that. Rocky Mountain doesn't have a line in the area, and the City services every business with city power. The City will arrange it, pay the bill, and then bill the customer for installation and material fees. It's our system that he's tied into, so we make the arrangements, and Rocky Mountain Power will do the work, such as the trenching and the conduit. It is the city's opportunity to comment, and the discussion in Planning and Zoning was whether it should be C-2 or R-3, and that discussion was over ATVs or whether he was going to put in spots for RV parks. Shepherd is not asking for any of that. For the county to decide right now, he's asking for six cottages: rental units, a house, and a shop. He explained that water users own the waterline out there. He's planning on septic tanks. Director Squires expressed concern about the bridge that was replaced on the property. Engineer Skinner mentioned they claimed a 100,000-pound capacity and did zero engineering on the foundations. Director Squires commented that he discussed with Mr. Shepperd, as the Fire Chief, that there was no way the city would drive the structure truck across that bridge until an engineer had verified it would hold 49,000 pounds. Engineer Skinner mentioned that could be an item on the comments back to the county. Councilman Worthington commented that the director before Eric Hobson was in that position had said the same thing about an emergency vehicle going over that structure. Engineer Skinner clarified that this bridge had been installed by the new owner, and the Canal Company had removed the footbridge. Engineer Skinner mentioned Western Water Users own the water lines and are responsible for maintenance repairs. Director Squires stated Mr. Shepperd will have to install a fire hydrant once a property owner builds more than two homes, and they're not your primary residence. If a six-inch waterline is within 1000 feet, the International Fire Code will require them to install a fire hydrant. Engineer Skinner mentioned the County Planning and Zoning meeting is on the second week of May for the first public hearing, and then the County Commissioner will be in the fourth week of May. They'll have to do more, but does the city want to agree with C-2 Vs R-2 or R-3? Historically, it was C-2 until 2005. Councilman Hart questioned whether Planning and Zoning had decided at the last meeting or if they were still split. Engineer Skinner stated they are still separated. Two Planning and Zoning Commission members recommended R-2, and the other commission members wanted it to be C-2. Councilman Hart suggested that it go C-2. Councilman Gritton commented it would return it to what it was. Councilman Carpenter clarified that our comments are about the zone change. We don't have anything about his building meeting fire codes or him doing engineering. Engineer Skinner recommended providing a list of everything. Mr. Shepperd is ready to get an account set up for power and a meter base. He mentioned being worried about not getting comments from them. Submit a section on the zone change and another section on our list of other concerns with the project. Councilman Hart and Councilman Carpenter agreed. Councilman Hart recommended drafting and circulating the comments to the Council for comments. Director Squires commented that the fire code will dictate the width of the road, the width of its cul-de-sac, a hammerhead, or if it's a circular, that's all dictated by the International National Fire Code. Whether the county or whoever waives from that is in the fire code.

Councilman Hart explained the mayor's recommendation and intention to appoint two city attorneys.



Doug Wood would be the criminal attorney, the prosecuting attorney, for that matter. As the city attorney for the civil side of things, Thomas Smith outlined his terms and charges. We made a guess based on past practices, such as when we had a similar rate as the city prosecutor years ago. Since Clyde was the city attorney, prices have increased over the years. Regarding Douglas's level of effort, we used those to make some estimates in the past. He thinks it's appropriate that the Mayor intends to appoint these two gentlemen as the city attorneys and accept their proposals that have been presented. Councilman Hart motioned to accept Thomas Smith as our civil attorney and Doug Wood as our criminal attorney for Soda Springs. Councilman Worthington seconded the motion. All in favor, motion carried.

Councilman Carpenter asked the council if they had any questions. Councilman Hart questioned Doug because Tom provided us with an agreement. Does that encompass you as well? Or do we need to make a separate agreement with you? Attorney Doug Wood explained he would be different and set up differently. He was talking to Tom Smith today. He's looking for an hourly fee base. And that doesn't make sense for criminal law, which is expensive for cities. It will be similar to what Clyde and I had set up before, where it's a set salary for him, and he will provide a proposal regarding that kind of agreement. Chief Shaw mentioned that our caseload here is almost double that of our neighboring counties: Franklin and Oneida. Doug was a big help to them this weekend. Councilman Gritton mentioned he sees a potential expense of a total of 88,000. Councilman Hart explained that the last arrangement was made in 2018 with Clyde, and his billing rate was much lower. Doug is in charge of as much as he is proposing. The billed amounts are about double what we were paying in 2014 or 2018, and that's how the numbers shake out. And it's within the range of what we compensated Gregg regarding salary plus benefits. Councilman Worthington mentioned that it's less and we're saving money. Councilman Carpenter mentioned he researched current legal fees, and 275.00 an hour align with what some other cities are getting charged for the city attorney. Attorney Wood mentioned he would like to agree to a set monthly salary for his part. Thomas has a different agreement; he would be hourly. He commented that if he were hourly, he's afraid it would cost the city a lot of money. For example, I've been doing it in the interim and tracking my time for the last month, which adds up and is even conservative on what I billed out. Plus, it makes me a little more relaxed regarding interactions, not cutting off law enforcement and saying I don't want to run up a bill for the city. So it just works better to do it on a monthly or annual salary basis for the criminal side, and that's how he would proceed. But if the mayor or the council wants me to keep track of hours, I'm also happy to do that. Councilman Gritton questioned the civil side of things with this proposal. Is it the intention of the civil attorney to attend in person? Has there been any input on that, Mitch? Councilman Hart commented that the mayor had talked to him about it on the front end of things and would attend in person initially to get to know everybody and the dynamics. In his proposal, he does not charge for mileage, driving back and forth to Pocatello. If it's within Caribou and Bannock counties, he does not charge for it. That's embedded in his hourly fees, support staff, and materials, and things within reason are spelled out that way. But we will allow him to participate by video call in the future. Initially, we'd like him in person for planning and zoning and City Council for the first few meetings so that he can understand dynamics and issues. Attorney Wood questioned if Chelsey would continue as the criminal Secretary here. Councilman Carpenter stated that looking at it probably makes for the most seamless and effortless transition. Attorney Wood explained he had been here quite a bit over the last month, and she's been to his office regarding cases. Councilman Gritton questioned Chief Shaw. Does that require you to bring stuff to city hall, and must it be taken to Doug's office? Chief Shaw mentioned that most of our stuff is done through email, and things are emailed back and forth. He also mentioned they would walk to Doug's office if it were paper.

Councilman Hart motioned to accept Thomas Smith as our civil attorney and Doug Wood as our criminal attorney for Soda Springs. He will authorize the mayor to execute those agreements upon his review and being comfortable with the terms and conditions. Councilman Worthington seconded the motion. All in favor, motion

carried.

**6. Citizen Input:**

*There was no input from citizens.*

Councilman Gritton mentioned he attended the annual range clean-up with the rifle range. The club picked up a lot of trash and cleaned the area. Director Hansen and his crew graded the road down there and improved it a bit. He wanted to thank you and your crew for those efforts. Councilman Worthington commented to Director Hansen he was driving out of town as he was picking up trash on our highway. He looked at his wife as they were headed out of town, and Director Hansen, with his trash grabber, was keeping our community cleaned up. Thank you, and we appreciate your hard work. Councilman Gritton commented the trash from the shooting range can be transient. Let him know if you see an area needing cleaning, and we'll address that.

Engineer Skinner mentioned a project update for committee members for the trail system; we're still in line to get that USDA grant. We're looking at proposals to put trails on Bailey Creek Road and Second Bridge Road if the council wants to approve it, but they plan to have our agreements by the end of April and a contract by the end of May; at some point, we're going to need to gear up pretty quick to get input from the citizen group. Think about who you would put on that committee. He mentioned he thinks we can still get the money. We have to spend it in certain areas. He is going as far as he can without doing designs but trying to get that money.

**6:38 PM** Councilman Gritton motioned to adjourn. Councilman Worthington seconded the motion. All in favor, motion carried.

PASSED AND APPROVED BY THE MAYOR AND CITY COUNCIL THIS 17TH DAY OF APRIL 2024.

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Austin W. Robinson, Mayor

ATTEST

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Andrea Haderlie, Clerk