

February 3, 2011

Meeting began at 7:04 p.m.

Present: Bill Muse, Mayor; Gladys LeFevre, Dennis Bertucci, Sue Inman, Council Members; Judi Davis, Clerk; Mark McIff, Attorney.

Public Present: Peg Smith and Sergio Femenias, Brian Dick, Steve and Cheryl Cox, Lisa Varga and Keith Watts, Bobbie Cleave, Donna and Robert Owen.

Pledge of allegiance

Gladys made a motion to approve the minutes of January 6 and February 1 as presented. Sue seconded the motion. The vote was unanimous.

There were good participation and comments at the meeting on February 1 where the design of the building was presented and discussed. The architects used historic pictures in creating the design. Brian asked if it would be possible to have some outside lights to shine on the sidewalk. We can ask them to consider it. Dennis asked if they would open the floors and look at the beams. They will. Bill explained the issues of code compliance and the process they would go through to meet code. The worst case scenario is that we will have to dig down to make the required space between the ground and floor joists and possibly replace the floor joists. The floor is a variable that will be faced as construction proceeds. MESA is working with the building inspector to come up with a solution in case there are problems.

Judi read responses from Bill McMurrin and John Spendlove which added three recommendations to the list which appears in the February 1 minutes: 1) install ceiling fans, 2) include conduits for future wiring of future audio/visual equipment, 3) review the heating and cooling system options. Gladys made a motion we accept the plans as presented, keeping in mind the main thing we're looking at is keeping the building as close to the original as possible. We looked at energy efficient ideas, but we also have budget constraints, and so that's going to determine some of the decisions. Sue seconded the motion. The vote was unanimous.

Bill appointed Gladys as acting mayor while he presented the final application for his Orchard Subdivision, which the Planning Commission has considered and sent to the Council with the recommendation that we approve it. The subdivision is being created from land owned by Bill and is six acres of ground directly behind Renon Peterson's home. It will include three shares of A water and a culinary water hook-up. The application meets all the requirements of the ordinance. The buyers are a young couple from the Peterson family who are moving here and bringing their business with them.

Meeting held February 3, 2011

Page 2

They expect to hire two people to work for them. Bill asked that the Town Council approve the subdivision. Gladys asked Brian and Peg if the Planning Commission had considered it and can recommend it. They did. Dennis made a motion we approve the Orchard Subdivision application. Sue seconded the motion. The vote was unanimous.

Bill resumed his place as Mayor. Donna Owen needs to recertify as an EMT this year but is short of hours, so is going to take the training she needs during the regular training that is currently being given at Ruby's Inn. She will pay her mileage and meals and asked if the Town would help with her room. Gladys made a motion we fund her \$50. Dennis seconded the motion. The vote was unanimous.

Brian presented his application for the McCabe Subdivision. It has gone through the public hearing process and people have had a chance to comment on it. The Owens voiced the only objections. Details are found in the Planning Commission minutes, and Brian outlined Bevin's history with the property. (Brian has been authorized by Bevin to be her agent in the subdivision process.) Utilities are easily available to the property. No restrictions are being placed on the home site. There is a "remainder parcel" deed restriction clause on the plat. The third property owner, Mr. Kelly, has asked them to share the driveway with him, so they have put a 40' right-of-way on the plat.

Bill read the Planning Commission recommendation: "Tom made a motion to accept the McCabe preliminary subdivision application and include a letter asking the town to consider requiring a deed restriction on the remaining 15 acres that there be no further subdivision of that property in order to maintain the original intent of the density covenant of one house per 10 acres." Mark asked if all three owners of the original parcels are okay with the deed restriction restricting them to a density of 1 home/10 acres. They are. This subdivision would result in two 2-1/2 acre lots being owned by two people but being sold as one parcel. Lot 1 would be half owned by each of two people. It needs to be set up right so that if one wants to sell and the other one doesn't, there won't be a problem. Otherwise, if one sells his half of a lot that is supposed to be one large lot, and the other doesn't, what happens? What's happening is that we're creating two lots of Lot 1. Could they consolidate ownership so that someONE (perhaps an LLC) owns the lot? There needs to be common ownership. At the same time, the remainder parcel with two separate parcels could be problematic. The split ownership is a problem. A contract between the two owners doesn't have a bearing on the Town. If there could be common ownership or an LLC, that could solve the problem. The Town is asking for trouble if the two lots aren't consolidated before the subdivision takes place.

Meeting held February 3, 2011

Page 3

In response to a comment made by Donna, Bill denied that he has a vested interest in the project, and he is not going to recommend that we approve it as is. He does believe that it is a fixable problem. Bevin needs to make a deal with Troy to make one lot of the two big ones and one five-acre lot to subdivide from it. It will take trust between the two of them. An attorney will have to draw up contracts. Lisa feels they need to co-own the land. The same lot can't be owned by two separate people. Bill suggested possible solutions involving business and trust between the owners. The Town needs deeds, not contracts. Robert went on the record asking the Town not to approve this. Donna isn't now planning to divide her lot. The way it is platted now, it looks like there would be four lots after the subdivision, and there need to be just two lots. Keith likes what Mark has suggested but is concerned about keeping it green. There are 6-2/3 shares of irrigation water on the two parcels. Brian would like to put a building envelope along the road and have a lease with the buyer to continue watering the entire parcel with Bevin's water and lease the pasture. He wants to keep it all green. Lisa asked if some water could be sold with the small lot. Bill discussed runoff ground water possibilities.

Gladys made a motion we return the application to the applicants until there are two lots. Dennis seconded the motion. The vote was unanimous. When the ownership problem is resolved, Brian can resubmit the application to the Town Council for reconsideration.

Sue has done the quarterly landfill report. The metal has been hauled off, but the tires still need to be taken away. Farlan will clean the area up. Sue researched requirements for traffic signs. We have the 2003 Traffic Control Manual, but the new one is significantly different. We won't refer to it often enough to buy the expensive new edition but will reference it online when needed. We qualify under a section on low-usage roads to replace old signs as needed with new ones that meet the current standards rather than having to replace them all by a deadline. For emergency services needs, it would be good to have street identification signs.

The wood on the firehouse needs to be repainted and the building identified, and there need to be "no parking" signs in front, probably between the doors. Corry would paint the front and signs, tighten the nails, and powerwash it for \$500-1,000, probably \$700. We should have the back painted, too. Dennis will see if he will also do the back, with an upper spending limit of \$1,000 for the whole job. After a discussion on color, it was decided that we could have the architect send us samples of the proposed building colors and Corry could match the paint to that, so the buildings would more or less match. Dennis made a motion we hire Corry as an employee, put him on Workers Compensation. Sue seconded the motion. The vote was unanimous. Dennis made a motion we have Corry powerwash and paint the front and back, prime the front, use our

Meeting held February 3, 2011

Page 4

color, pay him no more than \$1,000, shore up the loose boards, and remove the scaffolding when not in use. Sue seconded the motion. The vote was unanimous.

Brian and Peg began collating the results of the survey. They sent out 281 copies, and 125 have been returned, for a 46% response. They will continue to accept them as they come in. Because of lack of business items, their February meeting will be cancelled.

Sue made a motion the meeting adjourn. Dennis seconded the motion. The vote was unanimous. The meeting adjourned at 8:30 p.m.

Minutes prepared by Judith Davis, Town Clerk