

**CITY OF MARSING
COUNCIL MEETING
May 10, 2017
7:00 P.M.**

Mayor James Ferdinand called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Roll Call: Mayor James Ferdinand, Councilman Marie Herman, Councilman Jolyn Green and Councilman Chris Even were present. Councilman Percifield was absent. Staff members present were City Clerk/Treasurer Janice Bicandi, City Attorney Stephanie Bonney, Public Works Superintendent Philip Gibson and Building Inspector Steve Pierson.

Others also present in the audience were: Chamber President Julie Scheu, Ray Mitchell, Judy Compton, Dan Carlson, Bill Pastoor (Westown Disposal) and Sean Chaney (Owyhee Avalanche).

Mayor Ferdinand said that the Loucks requested a continuance on the adoption of the Meadow Brook Subdivision.

Councilman Even moved and Green seconded to continue the adoption of Meadow Brook Subdivision. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

CONSENT AGENDA: Councilman Green moved and Even seconded to approve the minutes of the April 12, 2017 City Council Meeting and the March 21, 2017 Special Council Meeting and the Claims against the City for the approximate amount of \$49,006.30 from April 12, 2017 to May 9, 2017. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

Mayor Ferdinand opened the public hearing for Ordinance #198. There was some feedback regarding the ordinance and he wanting to give the public the opportunity to make comments; also for Resolution R-134.

Mayor Ferdinand closed the public hearing as nobody from the public wished to comment on those two items.

Mayor Ferdinand asked Council to look at Ordinance #197, Sidewalk Repairs. It has been a City policy as long he could remember that the person in charge of the sidewalk in front of their property is the property owner. There had been some questions that came up concerning that.

Councilman Herman asked if it was from that day forward. She wanted to know if it was cracks or snow removal.

Mayor Ferdinand said mostly it is about liability.

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Attorney Stephanie Bonney said snow removal was already required. This is concerning defective conditions. The City would determine if the sidewalk was in a defective condition. If the sidewalk could pose a hazard to pedestrians, the City would notify the property owner to let them know that they need to repair the sidewalk.

Councilman Even said that the sidewalk across from City Hall would all be redone when ITD redoes the highway.

Councilman Herman said that if it goes into play, where do these people along Main Street fall?

Mayor Ferdinand said it has always been the City policy. Nothing is changing except it is getting written into code.

Bonney said that is the case in pretty much any other city in Idaho. You are required to maintain your own sidewalks.

Councilman Green moved and Even seconded that pursuant to Idaho Code, Section 50-902, the rule requiring an ordinance on three different days, with one reading to be in full, be dispensed with and that Ordinance No. A – 197 be considered after reading once by title only. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

AN ORDINANCE OF THE CITY OF MARSING, IDAHO ADDING A NEW SECTION TO TITLE 5 CHAPTER 5 OF THE MARSING CITY CODE; PROVIDING REGULATIONS FOR THE REPAIR OF SIDEWALKS IN THE CITY OF MARSING; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Green moved and Even seconded that Ordinance A -197 be adopted. The Mayor asked for a roll call vote with all Councilmen present voting yes. Motion carried.

Mayor Ferdinand said that Ordinance A – 198 was the RV ordinance. Some changes were made in the preliminary ordinance last month which made it little more lenient. He asked if there was any discussion.

Councilman Herman wanted to address Section 4, i) Only in rear yards, side yards, or directly adjacent and parallel with an existing driveway. Her personal feelings were that as long someone is within the three foot setback, why should Council mandate where on their property they have to store it?

Mayor Ferdinand the comment in the ordinance is directed at having it sit in the front yard.

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Bonney said that the only thing that is prohibited is parking on the street or parking in your front yard.

Mayor Ferdinand said there will be some exceptions to this ordinance. The City is not out to eliminate having family and friends over. The City is not out to eliminate having campers in town. The City is not out to eliminate any of that. What the City is out to do is protect the property rights of the citizens of the City of Marsing. Council wants people to understand they can't live in their camp trailers.

Councilman Green moved and Even seconded that pursuant to Idaho Code, Section 50-902, the rule requiring an ordinance be read on three different days, with one reading to be in full, be dispensed with and that Ordinance No. A – 198 be considered after reading once by title only. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

AN ORDINANCE OF THE CITY OF MARSING, IDAHO ADDING A NEW CHAPTER 8 TO TITLE 5 OF THE MARSING CITY CODE; PROVIDING REGULATIONS FOR THE PARKING OF CAMPERS, MOTORHOMES AND TRAILERS IN THE CITY OF MARSING; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Councilman Green moved and Even seconded that Ordinance A -198 be adopted. The Mayor asked for a roll call vote with all Councilmen present voting yes. Motion carried.

Mayor Ferdinand presented Resolution R-134.

RESOLUTION BY THE CITY OF MARSING, OWYHEE COUNTY, IDAHO, AMENDING RESOLUTION 124 TO ADD A PERMIT FEE FOR WORK IN THE STREET RIGHT OF WAY; AND PROVIDING AN EFFECTIVE DATE.

This resolution adds the Right-of-Way permit fee of \$50.00 plus \$1.00 per foot over 25 feet. It is plain and simple. One line has been added to the previous resolution.

Councilman Even moved and Green moved to pass Resolution R-134. . The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

PUBLIC INPUT: Dan Carlson said that the VFW was putting on a flag retirement ceremony. They thought the best time to do it was on July 3rd. It is going to involve the American Legion, the Young Marines and possibly the Boy Scouts. They are going to rope off a space. A time has not been set up yet.

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Julie Scheu, Marsing Chamber of Commerce President, thanked the Mayor and Council for the City's help with Wine & Art in the Park on May 6, 2017. She thought this event will be an annual event, something that will get bigger and better each year. The Sandbar did really well.

There were a lot of local artists that did well also. Janice was there all day long supporting the event. Scheu said she loved the community, loves where she lives and loves what she does. She said that there were zero complaints from the vendors. There were 29 paying vendors. Most attendees said everything was great except the weather.

Steve Peirson, Marsing Building Inspector, had a situation that came up recently with building set-backs on corner lots. There are some lots in town that are bound by streets on three sides. The ordinance allows for 20 foot set-backs. If you have a 50 foot wide lot, the owner has to give up 20 feet for set-backs before they can put any buildings on the lot.

There was a situation with a lot in Morning Dove where it had to be modified. The builder didn't really look at the lot when the plan was set up. They had to chop out the third bay of the garage.

Meridian had an option for corner lots where they allowed the homeowners to designate one side for the garage and that had to have 20 feet. But you could go 15 feet on the other side where the living space is.

Certain lots in Marsing were not taken into account when the setback ordinance was written. It makes it really difficult for the lots on the ends.

Mayor Ferdinand asked Ray Mitchell if he looked at getting a waiver.

Mr. Mitchell said he had all of the preliminary paperwork in place except one document. If Council would agree to rewrite the ordinance, this would give him some leeway to work on the setbacks which would save him \$300.00.

Mayor Ferdinand asked Peirson if he saw any concerns with changing the ordinance in other areas in which they designed the setbacks for.

Peirson said that was why he brought it up. He had two situations in two weeks where it wouldn't work the way it was submitted. They both had to do with the 20' setback on the corner. The case in Morning Dove, they just didn't look at the ordinance.

Mayor Ferdinand said the concern was that they change the ordinance for specific situation and then there is a problem in two to three years when the reason why the setback was implemented in the first place becomes pretty evident that they should have kept it that way.

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Bonney said that the Loucks plan on asking on asking for an amendment to the setbacks as well.

Mayor Ferdinand asked if Council had any questions.

Councilman Green asked if there was any precedence for changing it to be specific.

Mayor Ferdinand said that there were some variances which were done in the last few months.

Councilman Green asked about changing an actual ordinance.

Bonney said this would be for everybody. She asked Council if they wanted to change the ordinance for everybody.

Even said no, a variance is what is required. He said to keep the ordinance the same.

Mayor Ferdinand said he would like an opportunity for the current ordinance to be reviewed and an amendment be added to go to 15' on a corner lot only on the house side and not on the garage side.

He said he wanted this to work. If it is going to be changed, he doesn't want it changed back. The Mayor said it would be on the agenda next month.

OLD BUSINESS:

- A. City Engineer** – Kirby Cook spoke for Amy Woodruff as she was not present. He handed out concepts for the Highway 78 Sidewalk Project. They did receive the notice to proceed the previous month. The sidewalk is going from the intersection of Highway 55/Highway 78 to the Labor Camp.

Councilman Even asked if access will be blocked to Pruett Tire and Subway. Cook said it would all be on the west side of Highway 78.

Mayor Ferdinand said the City of Marsing had a grant for the project. The City's share would be a little over \$51,000. The City has to put in \$17,000.

The boat ramp will be bid the end of May or first of June.

They are still waiting on a topographic survey for Reich Street. The surveyor is working on getting all the deeds put into it. Highway 78 has priority over Reich Street. Hopefully they will have the design for Reich Street done this summer and get it constructed this fall.

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Cook has met with the Mayor several times going over the ITD plans for Highway 55. ITD wanted an easement from US Bank for a pedestrian ramp. ITD does not have a right-of-way in order to have three lanes (with a center turn lane) go all the way through town. It is harder for ITD to get the easement than for the City of Marsing.

Councilman Even asked that when the project goes through, would any existing businesses be blocked. No. Cook said there would be a three inch rolled curb which is meant for access.

Councilman Green asked for a clarification on the pedestrian ramp for the bank.

Cook said that because there are three lanes going all the way through town, it is pushing the roadway wider than the 66 feet. To keep the alignment, it pushes the pedestrian ramp outside of ITD right-of-way and on to the bank property.

Mayor Ferdinand said the highway would be done concurrent with the bridge. ITD's project timeframe on the highway is 65 days. The highway project is a rehab. ITD has to build the whole access on the north side of the bridge first.

Cook said they have been waiting on the Findings of Facts from the Loucks for the cost to update the sewer system before they get started on that.

Cook said that he has spoken with the Mayor concerning putting a greenbelt through town. The Mayor wants a master plan put together. Mayor Ferdinand said there is a committee that Woodruff is on with Noyam Hale and Doris.

- B. **City Attorney** – No report.
- C. **Code Enforcement** – Mike Shimkus absent.

NEW BUSINESS:

- A. **Westown Disposal:** Bill Pastoor asked if there were any service issues or any problems. Councilman Green asked how the transition went from moving trash containers from the alley to the street. Pastoor said there weren't any problems.

Pastoor said it has been a couple of years since they have asked for an increase. One of the things he is running into is that they are behind on some of their price raises because they are having a hard time getting new drivers because of the low pay. One of their drivers passed away the past winter and they needed to replace him. He increased pay for existing drivers. Subsequently, he asked the Council for a 55 cent increase on the residential rates, no changes on commercial. This would go from \$12.25 to \$12.80 per month for one container. Additional container rates will not change.

Pastoor said he spoke with Janice regarding snowbirds. He said there is a cost to picking containers up and bringing them back when customers leave for the winter.

Mayor Ferdinand asked Janice what would happen if the City suspended the service for the winter and the customer kept the container for the winter.

City Clerk Bicandi said in the contract it says that if there is water, a meter and someone living there you charge for sewer, water and garbage. That is my thing. She said she knew that there are other cities that you cannot do that.

Mayor Ferdinand said it is different.

City Clerk Bicandi said it wasn't.

Pastoor said they had the rates as low as they possibly could. He said he would do whatever Council wanted him to do.

Mayor Ferdinand said they wanted it to be a convenience for everyone. They want the citizens of Marsing to have a convenient way to go on vacation and wants Pastoor to continue to provide the service he is providing. The Mayor said that it sounded like the consensus was that customer keeps the tote and they have to pay the bill.

The Mayor asked if Council had any concerns about raising the residential garbage rates by 55 cents.

Councilman Even moved and Green seconded to raise the residential garbage base rate from \$12.25 per month to \$12.80 per month. The Mayor asked all Councilmen in favor to say aye with all Councilmen present saying aye. Motion carried.

REPORTS:

A. Maintenance Supervisor Phillip Gibson

New Projects

- Irrigation Water Turned On
- Irrigation Repairs
- Park Maintenance
- New Pickups Should be Here Around June 1st

Next Months Planned Projects

- DEQ Sanitary Survey for the Water System on May 17th
- Maintain the City

Questions for City Council

- Chip sealing – 1st, 2nd, 3rd and Wye on Southside of Main have not been done since Gibson has worked for the City. Re-do walking park at Island Park? Gibson said 1st Ave W beside the park, 2nd ST N beside the park, Kent ST and 9th Ave need to be redone, not chip sealed
- Teeter Totter in City Park – Repair or replace? Comparable systems are approximately \$2,500 to \$5,000. Councilman Even said he would contact someone who is a professional welder that might donate his time to repair the teeter totter.
- Westown trash receptacles at Island Park along front fence of the south park and on north side of the bridge at patios and boat docks, seven altogether. Price would be the base rate of \$12.25 plus \$2.50 per extra receptacle to equal \$27.25 per month.

Councilman Even moved and Herman seconded to have garbage cans placed by Westown at Island Park. The Mayor asked all in favor to say aye with all Councilmen present saying aye. Motion carried.

- “A” Frame Signs – “No Parking” and “Event Parking” for Island Park Events

Councilman Green moved and Even seconded to purchase four double sided signs for \$165 apiece. The Mayor asked all in favor to say aye with all Councilmen present saying aye. Motion carried.

- Redo Irrigation System Water Schedule
- 3rd of July Festival 2017 – Approve loaning of equipment/renting utilities?

Councilman Even moved and Green seconded to have Mayor Ferdinand to contact the Canyon County Sheriff’s Office for traffic control on the east side of the river. The Mayor asked all in favor to say aye with all Councilmen present saying aye. Motion carried.

- Make the walking path at the Island Park able to accommodate vehicles to drive through. This would require moving the water fountain, donation rock from Gustafsons and one post five feet to the west.
- Soap Dispensers for bathrooms.

Councilman Even asked if the bathrooms were being locked at night. Gibson said no. Even said he had caught people in the park bathrooms at 2:00 a.m. over the past couple weeks. He said the bathrooms need to be locked.

- B. Mayor Report – Catering Permit: Williams Vineyard/Wine & Art in the Park for May 6, 2017; approved by phone poll on April 14, 2017**

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Councilman Green moved and Even seconded to approve the catering permit for Williams Vineyard for Wine & Art in the Park. The Mayor asked all in favor to say aye with all Councilmen present saying aye. Motion carried.

Beer & Wine, Business License for Spot Pizza, 12 Sandbar Avenue:

Councilman Even moved and Green seconded to approve the beer, wine and business license for Spot Pizza. The Mayor asked all in favor to say aye with all Councilmen present saying aye. Motion carried.

Donation of \$2000.00 for July 3rd Fireworks Celebration:

Councilman Even moved and Green seconded to approve donation of \$2000.00 for the July 3rd Fireworks Celebration. The Mayor asked all in favor to say aye with all Councilmen present saying aye. Motion carried.

Budget Workshop was set for Wednesday, May 31, 2017 at 6:00 p.m.

Rick Johnson – Complaint (Did not show up at meeting.)

Millington Zwygart CPAs Request for Audit Services for Year Ending 09/30/17 for the amount of \$5,900.00:

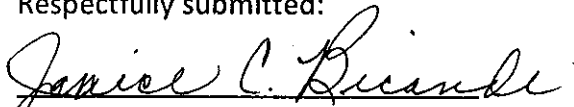
Councilman Green moved and Even seconded to approve Audit Services for Millington Zwygart CPAs for year ending 09/30/17 for \$5,900.00. The Mayor asked all in favor to say aye with all Councilmen present saying aye. Motion carried.

Lizard Butte Library Donation for Teen Summer Reading Challenge:

Councilman Even moved and Green seconded to approve a donation of \$200.00 to the Lizard Butte Library for the Teen Summer Reading Challenge. The Mayor asked all in favor to say aye with all Councilmen present saying aye. Motion carried.

Councilman Green moved and Even seconded to adjourn the meeting at 8:31 p.m. Motion carried.

Respectfully submitted:


Janice C. Bicandi, City Clerk-Treasurer


James Ferdinand, Mayor

Date: June 14, 2017