

CITY OF MARSING
COUNCIL MEETING MINUTES
May 9, 2018
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 Tony Malmberg and Councilman Chris Even were present. Councilman Jolyn Green was absent. Staff members present were City Clerk/Treasurer Janice Bicandi, Deputy Clerk Kim Spagnolo, City Attorney Stephanie Bonney, and Mike Martin from Civil Dynamics.

Others that were also present in the audience were: Todd Kleppinger of the Owyhee Avalanche, Mitch Kiester with Southwest District Health, Monique Smart from Marsing High School with students Jennifer Murillo, Alondra Alvarez, Jaime Montes, Moises Merida, Kevin Pena, Itzel Alvarez, Isias Alvarez, Ron Lamkey (303 Patton), Hope & Xavier Villa (211 2nd Ave W), Bridon McIntyre, Joseph Floyd, Daniel, Bill, Maria Hill and Larry Reeder from Cub Scout Pack 402 and 412.

CONSENT AGENDA:

Councilman Chris Even moved and Tony Malmberg seconded to approve the minutes of the April 11, 2018 meeting and the Claims Against the City for the approximate amount of \$56,901.81 from April 10-May 9, 2018. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

PUBLIC HEARING: Hope & Xavier Villa, Variance, 211 2nd Avenue W

ORDINANCE: None

RESOLUTION: None

PUBLIC INPUT: Ron Lamkey presented several pictures regarding the renter at 225 Patton Street. The Sheriff's office has been out to that property several times. Mr. Lamkey complained about an RV that has been parked on that property for a few days. City Ordinance Officer Harvey Gist said he already notified the resident about the City Ordinance and the three - day RV parking.

Marsing High School Students -Tobacco 21 Presentation: Students Jennifer Murillo, Alondra Alvarez, Jaime Montes, Moises Morales, Kevin Pena, Itzel Alvarez, and Isias Alvarez each detailed information about smoke free zones and the effects of second hand smoke. They asked the City to consider passing a "No Smoking" resolution. They provided signs to pass out and post from the Southwest District Health. The students said they would install them as a community service project if the City decided to use them. Stephanie Bonnie said the City could post the signs on any City owned property without a policy now.

Pastor Rick wanted to talk to the Council regarding his congregation painting houses in the City limits but did not attend the meeting.

OLD BUSINESS: Mike Martin with Civil Dynamics

- A. **Island Park Boat Ramp:** Martin said they are waiting for the concrete to cure and then the contractor will come in and back fill against the concrete.
- B. **City Park Restroom** - It is plumbed for water and sewer and the power is ready. The goal was to have the restroom installed on the May 22, 2018. Councilman Even asked where the recycle bin would go. Mayor Ferdinand said it would be moved to 2nd Street North across the street from BLM. The Mayor said a note could be placed on the water bill that it had been moved.
- C. **ITD SH-55 Sidewalk Grant** – Civil Dynamics is working with ITD regarding relocating the water line along Main Street and getting permits approved.
- D. **ITD SH – 78 Sidewalk** – The sidewalk from Bosma Lane to Labor Camp is just a matter of timing.
- E. **School Project** – No discussion.
- F. **Boring under HWY 78-** Two buildings at the school, the Owyhee County Extension Building and two homes were without water from noon to about 3 a.m. when an old four-inch water main was hit. ITD was involved with traffic control. Everything will get reconnected to a ten-inch water main. The contractor will make the connections to the new water main. Kirby Cook is currently working with ITD regarding the pavement and to get the right fill material.
- G. **Boat Docks at Island Park** - No discussion.

City Attorney Stephanie Bonney – Bonney said there were truck regulations already in place within the City limits. The regulation allows trucks in excess of 26,000 pounds to be on HWY 55, HWY 78 and on Bruneau HWY. They are not allowed anywhere else, on any other City street. If they are delivering to a business, it's okay but they must unload and move immediately. They are not allowed to park overnight. It's in the City handbook under City Code 5-2-2. There is a fine for violating that code along with court costs. Councilman Even said court costs needed to be verified. Bonney said she would find that information out.

The Christensen property is legally just one lot. Currently, there are three different property owners that own a portion of the one lot. Two out of the three property owners are paying a portion of the irrigation. Lamon Loucks is not paying anything at all. He is being prosecuted for violation of illegally selling lots without a subdivision. Bonney spoke with his attorney and he was confused as he said administrative lot split could be done if Loucks dedicated the 25 foot Right of Way to the City. Loucks did not want to dedicate the Right of Way. Loucks was told to submit a subdivision application because that is the way the Marsing City Code reads. Loucks choose not to do that. Bonney told Loucks' attorney that he no longer qualifies for an administrative lot split even with the dedication of the 25 feet because he divided it into three lots and that is a subdivision. Bonney told his attorney that Loucks needed to either submit a subdivision application in next week or the City would move forward with the prosecution. His attorney will talk to Loucks and get back with Bonney.

The irrigation is basically two thirds paid because Loucks is not paying his share of it. Bonney asked if she should file a small claim against the Loucks or shut off irrigation for the entire property. She said that legally, the City is allowed to shut off irrigation to the whole property as it's one lot and the irrigation is not being paid. Mayor Ferdinand said to have Philip Gibson give them ten days to get it cleared up and then have it shut off.

Bonney is that there are two other people on the property and it could be resolved with a criminal case. A lien could be filed against the whole property or they could be taken to Small Claims Court.

Councilman Herman said to give them ten days to respond. Mayor Ferdinand said the City could give them 30 days and stay on them to get the subdivision application submitted. He also said that we can get them for the fence permit at that time. Bonney said, it could be used to clean up some other pieces. She suggested 30 days would give Loucks enough time to get the subdivision application submitted. The Mayor said it needed to be paid in full in one month. None of the property owners had called Bonney. Stephanie Bonney stated that the variance needed a Public Hearing.

Bonney said that any item on the agenda that "might" need an action has to be listed on the agenda as an "Action Item".

Code Enforcement Officer Harvey Gist – Gist reported on the Code Enforcement Conference that he attended in McCall. He stated that the court cost must be listed on citations.

REPORTS:

- A. Maintenance Supervisor Philip Gibson (Absent)** – Gibson had supplied his maintenance report for the Councilmembers.

New Business

- Irrigation repairs
- Moved drinking fountain at Island Park
- Moved water meter at 101 1st S
- BLM interior painted
- BLM carpets cleaned
- Air/vacuum valve inflow preventers installed to complete DEQ sanitary survey

Next Months Planned Projects

- Get chlorine contact chamber covered
- Get parks ready for the summer season
- Reserve items for 3rd of July festival (2017 festival report attached), unless someone has a problem with that
- All small projects that accrued while completing irrigation repairs

City Council Discussion

- May 22 – The third-grade class is having a park day at Island Park from 8:30 – 2:30. All City staff, Mayor, and Council Members are welcome to attend and enjoy lunch and activities.
- May 22 – I am taking the day off to volunteer at the third-grade park day. I would like permission to use the city pickup to haul my BBQ grill to and from the park because I don't have a pickup.
- Material for chlorine contact chamber cover has been purchased - \$2,988.68
- Powder coating for all material for cover from RPMS - \$3,910

New Business

- A. **Mayor's Report:** Mayor Ferdinand discussed the variance public hearing for Xavier & Hope Villa for the property located at 211 2nd Avenue W. One letter had been received in favor for the variance from Ralph & Winona Munger. Bonney stated the property was zoned as residential. The residence is 980 sq. ft. It is small but it is legal. The residence must be on a foundation and deemed real property in order to be approved. The mayor stated we have the "Intent to Declare Real Property" on a foundation. In the City Code 7-5-3: General Provisions, Sub Section A & B it states; A. Is multi-section and at least twenty feet (20') wide; B. Has a minimum floor area of one thousand (1,000) square feet. The residence is only 14 feet wide.

Councilman Chris Even moved and Tony Malmberg seconded to grant the variance for Hope and Xavier Villa for property located at 211 2nd Avenue W. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

Hope Villa asked if they needed a permit for the roof. Mayor Ferdinand said they needed to talk with Building Inspector Steve Pierson.

Mayor Ferdinand stated that expenses for the 3rd of July event had been discussed previously and permission was granted at the March Council Meeting to donate \$2000.00 to the Marsing Chamber. All Councilmembers agreed and no motion was needed.

The third-grade class is having a party at Island Park and all City Councilmembers are invited to attend to enjoy lunch and activities on May 22, 2018. Philip Gibson will be there and he is asking permission to use the City truck to haul his barbeque to the park. Councilmembers had no objection for using the truck.

The material for the core and contact chamber cover has been purchased. The powder coating was \$3910.00. The Mayor stated additional bids were needed. He asked Janice Bicandi to contact Philip Gibson to get other bids.

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There was discussion regarding lowering the cost of catering permits from \$50.00 to \$20.00. Council said to leave the cost at \$50.00.

Councilman Chris Even moved and Tony Malmberg seconded to approve catering permits for both the Pour House and Williamson Orchards for Wine & Art in the Park on May 19, 2018. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

Councilman Chris Even moved and Tony Malmberg seconded to allow the Marsing Chamber of Commerce to use the Kubota UTV and the John Deere Gator at the Wine & Art in the Park Event on May 19, 2018. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

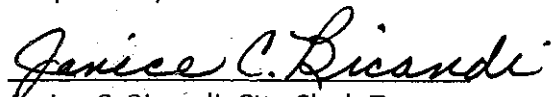
Councilman Chris Even moved and Jolyn Green seconded to approve a \$500.00 donation to the Leroy Breshears Fishing Derby on June 2, 2018. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

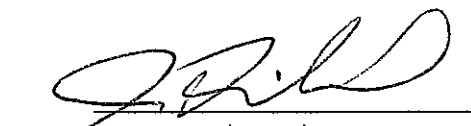
The Marsing School District is having a Cleanup Project from May 17 – 18, 2018, 12:30 pm – 3:00 pm. The City got a list from the community of elderly or disabled residents that needed assistance with either weeding or cleaning up of their property. The Idaho Transportation Department provided trash bags and safety vests. The safety vests were required even though the students would not be working in the right of way. The Marsing Hardware Store provided latex gloves. The juniors and seniors will perform clean up work at Island Park. The Owyhee County Sheriff's Office was notified and will notify all deputies. Westtowns Disposal will provide a roll off dumpster for the trash collection.

Kim Spagnolo stated that a chain was needed at the Arboretum Park to keep vehicles out. Mayor Ferdinand said to have Philip Gibson put up a chain.

Councilman Chris Even moved and Tony Malmberg seconded to adjourn the meeting at 8:09 p.m. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

Respectfully submitted:


Janice C. Bicandi, City Clerk-Treasurer


James Ferdinand, Mayor

Date: June 13, 2018