

**CITY OF MARSING
COUNCIL MEETING MINUTES
September 12, 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 Chris Even, Councilman Jolyn Green and Councilman Tony Malmberg were present. Staff members present were City Clerk/Treasurer Janice Bicandi, Deputy Clerk Kim Spagnolo, City Engineer Kirby Cook, City Attorney Chereshe McLain, Code Enforcement Officer Harvey Gist and Public Works Supervisor Philip Gibson.

Others that were also in present in the audience were: De Enrico, Jason Deal, Dalia Shryne, Mike Shryne, Noyam Hale, Kylie Sevy, Jill Edwards, Kurt Carey, Evan Miller, Jennifer Stanbery, Tom Stanbery, T.J. Stanbery, Dennis Achey, Jonathan Ineck and Justin Ineck.

Mayor Ferdinand asked to amend the agenda by adding "Emergency Irrigation Repair" under the City Engineer Reports.

Councilman Jolyn Green moved and Chris Even seconded to approve the minutes of the August 8, 2018 City Council Meeting, the Claims Against the City for the approximate amount of \$84,923.26 from August 9, 2018 to September 12, 2018 and to amend the agenda by adding "Emergency Irrigation Repair" under the City Engineer Reports. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

PUBLIC HEARING AMVAC – Rezone from Residential to Commercial/Industrial

Mayor Ferdinand opened the public hearing and asked if there was anyone in the audience that wished to speak.

Jason Deal, 315 N Bruneau Highway, had some concerns regarding the application for rezoning. Deal said there was an inconsistency on the application. He said there was no immediate need for expansion but at the beginning of the application it stated they were going to build a warehouse. He asked if AMVAC submitted plans for a warehouse to be built on the 3.08 acres.

Mayor Ferdinand said that he understood that the only property that was to be rezoned was the property that AMVAC just purchased from the City of Marsing.

Deal said that for a conditional use rezone, it should only be granted in an extreme situation. He didn't feel there was an extreme condition that the property should be rezoned from residential to commercial/industrial when everything else along the road was residential. He

said there is an approved subdivision across the street. He thought it didn't fit in line with the City land use plan. He said currently there was no rational purpose to rezone.

His other concern was regarding chemicals used at AMVAC. Most people in town do not know what chemicals are used and their toxicity. He purchased his property with AMVAC already there and he understood the use of chemicals and accepted that. But he was concerned that AMVAC had a "free pass" up to Bruneau Highway. He thought the property should be a scenic easement. He said there was no practical need to rezone the property. It does not hurt AMVAC to not rezone. It didn't hurt them or prevent them from building or expanding later and then ask for rezoning at that time.

Dennis Achey from AMVAC responded to Deal's concerns. He said they have owned the property since 1993 or 1994. The intent was to build a warehouse and expand the operation. Currently, there are no immediate plans to put up another warehouse.

Deal asked how the rezone would impact the residential property values. He said he would take a "hit" on his property value if a warehouse was built. He did say that AMVAC has been a good neighbor.

Achey said they have been operating at the complex since 1978 and haven't had any issues with the City of Marsing or the public and didn't intend to "stir the pot".

Mayor Ferdinand closed the public hearing.

Councilman Jolyn Green said that AMVAC and the entities ahead of it have been excellent stewards of the land. She did not see them changing their habits.

Councilman Jolyn Green moved and Tony Malmberg seconded to rezone the AMVAC property located at 410 Simpkin Lane from Residential to Commercial/Industrial with the restriction that when AMVAC applies for a building permit that a landscaping plan in a buffer zone be included with the permit. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

ORDINANCE: A - 205 Amending Title 4 Section 2 to Revise the City Code Section in Relation to Dogs; Providing Additional Definitions; Providing Regulations for Cruelty to Animals, Non-Domestic and Commercial Farm Animals; Dog Offenses and Conditions; Dangerous Dogs; and Penalties; Providing for a Repealer; and Providing an Effective Date.

Councilman Jolyn Green moved and Tony Malmberg seconded that pursuant to Idaho Code, Section 50-902, rule requiring an ordinance be read on three different days with one reading being in full be dispensed with and that Ordinance A – 205, Amending Title 4 Section 2 to Revise the City Code Section in Relation to Dogs; Providing Additional Definitions; Providing

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Regulations for Cruelty to Animals, Non-Domestic and Commercial Farm Animals; Dog Offenses and Conditions; Dangerous Dogs; and Penalties; Providing for a Repealer; and Providing an Effective Date be considered after reading once by title only. The Mayor called for a roll call vote with all Councilmen present voting aye. Motion carried.

Councilman Jolyn Green moved and Tony Malmberg seconded to adopt Ordinance A-205, Amending Title 4 Section 2 to Revise the City Code Section in Relation to Dogs; Providing Additional Definitions; Providing Regulations for Cruelty to Animals, Non-Domestic and Commercial Farm Animals; Dog Offenses and Conditions; Dangerous Dogs; and Penalties; Providing for a Repealer; and Providing an Effective Date. The Mayor called for a roll call vote with all Councilmen present voting aye. Motion carried.

ORDINANCE: A – 206 Amending the Comprehensive Plan Map and Zoning Map to Commercial/Industrial; Repealer; Severability; Effective Date

Councilman Jolyn Green moved and Chris Even seconded that pursuant to Idaho Code, Section 50-902, rule requiring an ordinance be read on three different days with one reading being in full be dispensed with and that Ordinance A – 206 Amending the Comprehensive Plan Map and Zoning Map to Commercial/Industrial; Repealer; Severability; Effective Date be considered after reading once by title only.

Councilman Jolyn Green moved and Chris Even seconded to adopt Ordinance A – 206 Amending the Comprehensive Plan Map and Zoning Map to Commercial/Industrial; Repealer; Severability; Effective Date with the amendment for the restriction. The Mayor called for a roll call vote with all Councilmen present voting aye. Motion carried.

RESOLUTION: Resolution R – 139 - Designating Records Custodian and Alternate for the City of Marsing

Councilman Chris Even moved and Tony Malmberg seconded to approve Resolution R - 139. The Mayor called for a roll call vote with all Councilmen present voting aye. Motion carried.

Resolution R - 140 Amending the Personnel Policy Manual by Amending the City Clerk's Office Hours to 8:00 A.M. to 5:00 P.M., and Providing an Effective Date

Councilman Tony Malmberg moved and Jolyn Green seconded to approve Resolution – 140. The Mayor called for a roll call vote with all Councilmen present voting aye. Motion carried.

PUBLIC INPUT: Kylie Sevy, Marsing High School Cheer Coach, said that the cheerleaders wished to decorate the town for Homecoming Week. They will help businesses decorate by painting windows and will clean up afterwards. They also wanted to paint on the roadway from

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the school to the bridge. Sevy was told to contact the ITD District Supervisor in Marsing. Sevy asked if they could hang flags on the light posts in town in the future.

Mayor Ferdinand said when they had a plan in place to ask to be added to the Council Agenda if it had to do with the City's property.

Jill Edwards asked if their group could hang signs at the end of town that they would clean up. In the past there hasn't been a lot of support from the town. They asked to put messages on the reader board. They have purchased flags. Edwards wanted permission to take down the American flags and replace them with "Huskie" pride flags. The flags wouldn't just be for football but also for track, cross country, basketball and baseball. She said she had someone in the community that had a forklift to put the flags up with.

Councilman Chris Even said in Homedale, every other flag on their Main Street was a "Homedale High School" flag. He suggested that flags could go up now, maybe on every third light pole.

Edwards said she wanted to go to the local businesses and do a "scarecrow" contest. The football team would donate jerseys to decorate the scarecrows. She also wanted to hang poster board and they would remove them.

Mayor Ferdinand said it was perfectly fine for Edwards to talk with businesses. He said once she figured out how many flags they wanted to put up to come back to talk with the City Council with a plan. The Mayor said to contact the Public Works Supervisor about putting up a couple of flags now.

OLD BUSINESS (TABLED ITEMS): Allied Business Solutions Contract (IT Services)

Kirby Cook with Civil Dynamics said the **ITD SH-55 Sidewalk Grant** will be a 2019 design and won't be started for a while.

Hook-ups to water on the east side of Highway 78 will happen on September 17, 2018. After that is done, other lines will be abandoned that are at the school. The 10" line that runs down to the Labor Camp will be hooked into the 12" valve at the end and then the 10" line will be abandoned and capped off. Everything in the ground at the school that is not the new 12" line or the new lines the school has installed will all be abandoned. Every fire hydrant that was there prior has been attached to the new line.

Mayor Ferdinand asked for a map with all the fire hydrant locations on it.

Cook said the **ITD State – 78 Sidewalk** project is completed. Cook is currently working with LHTAC to reimburse the City of Marsing. He is getting all the testing in place.

Cook is working on getting three contractor bids for **Reich Street** by September 26th or the 27th. The estimated time for construction of Reich Street is anywhere from 20 to 45 days. If the street is closed down to all "through traffic", the contractor can get it done quicker because they don't have to keep a lane open for traffic. Because of the public office located there, it will be harder to close the traffic down.

The City will get reimbursed from ITD for the **CPS Grant** and the money will probably be given back to LHTAC. That has not been discussed fully with ITD yet but they have committed to paying for it. Cook didn't think that ITD had a contractor scheduled yet. The project should begin in the spring of 2019.

The **Island Park Boat Docks** will be installed at low water.

A contractor in Morning Dove Phase #2, lot 11, was digging a foundation and hit an irrigation line which had been installed with Phase #1 outside of the irrigation easement. In order to replace it, it needs to be moved back into the easement. The estimate to replace the line was \$2000 to \$4000 but it could come in lower.

Councilman Jolyn Green moved and Chris Even seconded to approve emergency irrigation repairs for the Morning Dove Subdivision. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

City Attorney Chereese McLain had nothing to report.

Code Enforcement Officer Harvey Gist reported there was a property with illegal storage located on Motzko. Gist has contacted the property owner at 237 Well Street regarding the property being a mess. The property owner evicted the tenant who then moved across the street into an RV trailer but will be gone by next Monday. Some properties have gone to second and third infractions. The Dollar Store has been issued an infraction locally and in Texas because of weeds behind the business. Gist said that he was going to start working on the alleys next.

NEW BUSINESS:

Pete Smit addressed the Council regarding the Marsing Senior Citizens/Sandbar. The old Senior Center building located at 218 Main Street has sold. That money paid off some old debts. Currently, they are at a breakeven point. They give away 15,000 meals a year and get only 18% back from the State and Federal governments. Most of the work is done with volunteers. Logan's Market donates quite a bit of food. On September 15th, there will be a fund raiser rally with 400 participants signed up.

They offer transportation for seniors, disabled and veterans for doctor appointments and shopping at no charge. Medical equipment is available to be recirculated in the community free of charge.

Smit said the biggest thing they deal with is the deficit, stuff that is given away. They just finished a plan with Sysco Foods which is a large food company that will donate food that is close to its expiration date. Sysco freezes the food and donates it to the Marsing Senior Center/Sandbar.

The Sandbar is trying to develop more traffic from Canyon and Ada Counties on the restaurant side.

Noyam Hale addressed the City Council about a water leak she had at a property located at 912 Main Street. She requested an adjustment on her August utility bill for the sewer portion. On her July's bill she was charged \$38.94 for 5,000 of water and she was charged \$121.66 for 40,000 of water. The difference between the two months was \$82.72.

Councilman Tony Malmberg moved and Jolyn Green seconded to credit \$82.72 for sewer on the August utility bill for the property located at 912 Main Street. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

REPORTS:

A. Maintenance Supervisor - Philip Gibson

New Business

- Chip sealing was completed.
- Water line was repaired at Bruneau/Main. Also repaired approximately 2 years ago.
- All facility properties were cleaned up.
- Added parking at City Park.
- Set new flagpole at City Hall.
- Wastewater chamber cover installed. There was a significant reduction in BOD/TSS.
- Trimmed trees in the ROW.
- Added decorative rock at the BLM office property.
- Added decorative rock at City Hall.
- Tentative irrigation shut down on October 10th.

Next Months Planned Projects

- Prep for irrigation repairs and shut down.
- Start getting measurements and plans on installing new playground equipment.

Discussion for City Council

- City Hall Backup Generator Bids
 - Southwest Idaho Electric - \$2,650
 - Barry Kendall - \$1,879
 - Homedale Electric – Would not give a bid unless using a 100 amp generator.

Councilman Chris Even moved and Jolyn Green seconded to award the bid to install the backup generator at City Hall to Barry Kendall for the amount of \$1,879. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

- Tractor Forks/ Cage Bucket for Placing Flags
 - Coastline - \$3,912 (The City has a charge account.)
 - Amazon - \$1,248 (Use a credit card and create a tax exempt account.)

Councilman Chris Even moved and Tony Malmberg seconded to purchase tractor forks and a cage bucket from Amazon for the amount of \$1,248. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

- Pipe the ditch through the City Park? Gibson would like to see the ditch piped, buried and covered up for safety reasons.
- Sweeping excess chips off chip sealed roads? Council said yes. Gibson will contact Curtis Clean Sweep to do this. Chip seal can be reused.
- Juan Peña's surgery has been denied by Workman's Comp but he is going to proceed on December 5th and will use his medical insurance.
- Purchase a new or used equipment trailer? The current trailer is not large enough for the excavator (6,500 lbs). Council suggested that Gibson get quotes.

B. Mayor's Report:

Councilman Tony Malmberg moved and Jolyn Green seconded to approve that the Mayor sign the refusal of Notice of Terrorism coverage through ICRMP for 2018 - 2019. 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 have Mayor Ferdinand sign the response letter to the Owyhee County Community Survey. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

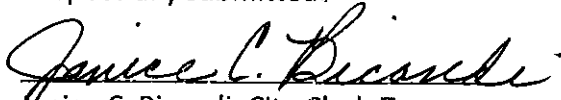
Mayor Ferdinand said there have been some utility customers that have had indigent needs. There is \$2,000 in the budget for indigent needs. There is currently a customer that has a need again for the fund but according to policy there is a one-time use of the funds. They have used funds from other sources as well.

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Janice Bicandi said she had a source that can also assist and would contact them.

Councilman Chris Even moved and Jolyn Green seconded to adjourn the City Council meeting at 8:35 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: October 10, 2018