

**CITY OF MARSING
CITY COUNCIL MEETING
March 13, 2019 7:00 PM
MARSING CITY HALL**

AGENDA

CALL TO ORDER (Welcome/Pledge of Allegiance/Roll Call)

CONSENT AGENDA

*All matters listed within the Consent agenda have been distributed to each member of the Marsing City Council for reading and study. They are considered to be routine and will be enacted by one motion of the Consent Agenda and placed on the Regular Agenda by request.

ACTION ITEM

A: Approval of Minutes of the February 13, 2019 City Council Meeting **ACTION ITEM**

B: Approval of the Claims Against the City for the approximate amount of \$58,068.39 from February 13, 2019 to March 12, 2019. **ACTION ITEM**

PUBLIC HEARING: Meadow Brook Preliminary Plat - Continued **ACTION ITEM**

Rezone from Residential to Commercial & CUP to Develop an RV Resort
(Hannah & Martin Maisel, 1206 W Main) - Continued **ACTION ITEM**

ORDINANCE: A-209 Amend City Code 3-1-3 Enumeration of Nuisances Ordinance to Allow for Pigs Under a CUP **ACTION ITEM**

RESOLUTION: R-145 Declaring Certain Personal Property to be Surplus (Honda Generator) **ACTION ITEM**

PUBLIC INPUT: Members of the public are allowed to address the Council on any topic not already on the agenda. The Council will not take action on any item raised during public comment but may place the issue on an upcoming agenda for discussion and action.

OLD BUSINESS:

A. City Engineer Amy Woodruff/Kirby Cook - Reports POSSIBLE ACTION ITEMS

1. ITD Project Update
2. SH-55 Water Relocation
3. Boat Dock Project

B. City Attorney Stephanie Bonney – Reports POSSIBLE ACTION ITEM

C. Code Enforcement Officer Harvey Gist – Reports POSSIBLE ACTION ITEM

D. Law Enforcement – Reports

NEW BUSINESS: John Gundersen 225 Canal Street **POSSIBLE ACTION ITEM**

**CITY OF MARSING
COUNCIL MEETING MINUTES
MARCH 13, 2019
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 Tony Malmberg, Councilman Marie Herman, Councilman Jolyn Green, Councilman Chris Even, City Attorney Cherese McLain, City Engineers Amy Woodruff and Kirby Cook, Doris Hayward-Roland, Deputy Clerk Kim Spagnolo, Code Enforcement Officer Harvey Gist and Public Works Supervisor Philip Gibson were all present.

Others present in the audience were: Noyam Hale, Lavada Loucks, Les Loucks, Peggy Breski from Horrocks Engineers, G Scott Gundersen, Kim Gundersen, Sharon McIlveen, Betty Stapler, Owyhee County Deputy Atanacio Montes Jr., Taelor Hoffman, Julie Franklin/Marsing Chamber of Commerce, Todd Kleppinger/Owyhee Avalanche, Leslie Jayo, Bill Pastoor/Westowns Disposal, Keith Berends/Gem Highway District, Chad Bingham, Doug Durham, Bridon McIntyre, Brigham Moulton, Lance Ricks, Jordi Russell, Larry Reeder and Melissa Jayo.

CONSENT AGENDA:

Councilman Tony Malmberg moved and Jolyn Green seconded to approve the minutes of the February 13, 2019 City Council Meeting and the Claims Against the City for the approximate amount of \$58,068.39 from February 13, 2019 to March 12, 2019. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

PUBLIC HEARING: Mayor Ferdinand opened the public hearing on the Meadow Brook Preliminary Plat and asked if there were any members of the audience that wanted to speak.

Peggy Breski, a senior planner with Horrocks Engineers located at 2775 W Navigator Drive in Meridian, Idaho, spoke for the applicants, Les & Lavada Loucks. She said the original plan had over 200 single family suburban-style lots. There are currently eight mixed family lots for possibly four-plexes. There are 7,000 – 10,000 square foot lots for single family homes transitioning into 1/3 to ½ acre lots. The remainder of the subdivision will be one acre lot sizes.

Meadow Brook Subdivision will abut Morning Dove Subdivision. Morning Dove Way will continue between the two subdivisions. Bob White Court will become Bob White Street and will come out to Old Bruneau Highway. There is an exit onto E Thompson Road. There will be several common lots that will provide beautification. There are two other common lots that will act as storm water retention but will also be beautified green spaces.

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The City of Marsing requested the continuation of pedestrian facilities from Bobwhite Court. There will be swales for storm water management in the 1/3 to 1/2 acre lots with some pedestrian facilities. There will be some improvement to Bruneau Highway.

Breski said there were ten common lots to be used for stormwater retention.

Breski said they are asking for a variance in the one acre lots to allow swales because of the size of the lots.

Leslie Jayo asked if any land would be donated to the school district.

Les Loucks said there was a letter on record from the Marsing School Superintendent Norm Stewart saying that the school district was capable of handling the increase of students from the new subdivision.

City Engineer Amy Woodruff from Civil Dynamics, 305 Cornell Street, Middleton, Idaho, presented her staff report. (Included with these minutes.)

She said the City of Marsing was required to notify the Marsing School District, Idaho Transportation Department, local law enforcement etc. and they had an opportunity to comment.

Woodruff said the level of service for parks in Marsing is low. With the prior approved preliminary plat, Council did not move forward with having actual park space dedicated. The storm water management areas were going to be used for green space. That will not be available for the area north of Bobwhite. The area south of Bobwhite will have stormwater management lots that will be improved the same way. When there are larger lot sizes, that can offset the need for park space because there is "green area" in yards that children can use to play. Park space is in the recommendations but it is not a recommended condition of approval.

Staff Recommended Conditions of Approval

1. Council reserves the right to modify and/or add conditions to the final plat(s) to conform to adopted policies and/or ordinance changes for each phase submitted.
2. Stub Rylee Court to the west.
3. Pedestrian facilities are required per Marsing City Code for the north area.
4. Bobwhite to be constructed to match existing Bobwhite Street including rolled curb and gutter and sidewalk on both sides of the street.
5. The Traffic Impact Study (TIS) will be updated prior to construction for phase 3.

6. The City will issue 100 sewer system hook ups and will undertake a Facility Plan addendum to identify the plant improvements required to increase treatment capacity and BOD removal.
7. The improvements planned for Bruneau Highway are required to meet the City's ordinance and standards. Applicant is proposing 15 feet of pavement.
8. A plan to mitigate and manage the existing runoff from ongoing farming operations is required.
9. The City requires dedication of the lot (C-1, Block 13) which is the C-line canal and a note be added to the plat.
10. The easement width on the back of lots bordering Morning Dove Subdivision is required to meet the Marsing City Code. (15')
11. All construction shall be in strict conformance with Idaho Standards for Public Works Construction, current edition.
12. The preliminary plat depicts the development in phases.
13. The applicant shall request annexation into the City of Marsing municipal irrigation system so the City of Marsing may own and maintain the irrigation system after construction. The surface irrigation water rights appurtenant to the parcel are not to sold, transferred, or reduced and shall be included in the City's irrigation system for management and control.
14. All storm drainage shall be held on site for each phase to be developed.
15. Grading and erosion control plans shall be submitted to the City Engineer and/or Building Inspector prior to construction on any lot with slopes greater than 7%.
16. The Development shall form a Home Owner's Association.

Mayor Ferdinand asked Peggy Breski if she had any comments as to the conditions.

Breski said that Woodruff had clarified what had been provided and approved prior on the original preliminary plat and if it was something that they were still proposing, they hoped the City Council would consider that it was already approved on the special conditions of approval.

Breski said it was mostly relative to the sections on Old Bruneau Highway which showed improvements that had been previously approved.

Woodruff said the section the applicant is proposing for Old Bruneau Highway. They are proposing to add about four feet of pavement to approximately 11 feet for a total of 15 feet of pavement, a gravel shoulder and then goes into a swale with a separated five-foot asphalt path.

One of the challenges with Bruneau Highway is that it is so flat and beat up. The City would rather save the money for a more comprehensive rework of Bruneau Highway. The City would like to do a joint project with Gem Highway District from Highway 55 north.

Breski said there might be other questions but she would get with the City Engineer if they arose.

Les Loucks said that on the old road at some time had a two-foot addition to it. The trucks have driven on it and collapsed it down. He recommended tearing part of the old road out to the new part and then redoing that part. He also said there was enough room to put in a 16-foot road from the center line but the fire hydrants, the City water main, the phone lines and the irrigation box would need to be moved back.

Breski said she would discuss the pedestrian pathway as a new condition with the developer and get back with Woodruff.

Woodruff said there was a variance for the pedestrian facilities north of Bobwhite. Council could approve it, modify it or continue it.

Mayor Ferdinand said he was okay with 15 feet of pavement under condition #7 instead of 23 feet and felt it had been explained sufficiently. The other thing to consider was the variance for the pathway in phases #3 and #4 under condition #3.

Councilman Green said she agreed with the Staff Recommendation.

Councilman Even said he would rather see pedestrians walking on a side street on a pathway than walking down Bruneau Highway.

The Mayor read the recommendation under condition #3 from the staff report. Pedestrian facilities are required per MCC for the north area. Staff recommends a detached five-foot path on at least one side for at least Leslie Avenue to Emily Way to Kimberley Avenue to intersect the sidewalk on Bobwhite to provide pedestrian facilities from Thompson Road through the project.

Breski asked if the curb acted as a detachment or did it have to have a grass path between.

Woodruff said there would be no curb. It will be in an easement area outside of the swale. The City's preference where there is no curb to protect people walking is that it be detached.

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Lavada Loucks asked if there were any other five-foot sidewalks in Marsing.

Mayor Ferdinand said in Morning Dove.

Woodruff said there hadn't been any built.

Breski said they appreciated the Council considering all options.

Mayor Ferdinand closed the public hearing.

Councilman Tony Malmberg moved and Jolyn Green seconded to approve the preliminary plat for Meadow Brook Subdivision with staff recommendations with one change, 15-foot pavement on recommendation #7. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

Councilman Jolyn Green moved and Chris Even seconded to continue the public hearing to rezone from Residential to Commercial & to consider a CUP to Develop an RV Resort for Hannah & Martin Maisel, 1206 W Main until the April 10, 2019 City Council Meeting. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

ORDINANCE: A-209 Amend City Code 3-1-3 (F) of the Marsing City Code to Provide that Pigs are Allowed With Conditional Use Permit; 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, the rule requiring an ordinance be read on three different days, with one reading to be in full, be dispensed with and that Ordinance A-209 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 Chris Even seconded to approve Ordinance A-209, An Ordinance of the City of Marsing, Idaho, Amending Section 3-1-3(F) of the Marsing City Code to Provide that Pigs are Allowed with a Conditional Use Permit; 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.

RESOLUTION: Resolution R-145; A Resolution of the City Council of the City of Marsing, Idaho Relating to Surplus Personal Property; Declaring Certain Personal Property of the City to be Surplus; Authorizing and Directing the Disposal of the Surplus Property; Providing for Related Matters; and Providing an Effective Date. (Honda Generator)

Councilman Jolyn Green moved and Tony Malmberg seconded to pass Resolution R-145; A Resolution of the City Council of the City of Marsing, Idaho Relating to Surplus Personal Property. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

PUBLIC INPUT: Bill Pastoor of Westowns Disposal went before Council the previous month and wanted to clarify to Council that he wished to renew his contract with the City of Marsing now.

Mayor Ferdinand stated that Council could not take action on the contract now but said he didn't have an issue with renewing it now. He told Pastoor to speak with the City Clerk for a new draft and to place it on the agenda in April.

Melissa Jayo asked what the difference was between a conditional use and a special use permit was.

Cherese McLain said they were actually the same thing. Some jurisdictions use conditional use permits and some use special use permits. In the courts, it is the exact same thing.

A conditional use permit is a permissive use subject to conditions of approval both under the Idaho Code as well as Marsing City Code. Under the Marsing Land Use Table, there are minimum requirements. The City Council can add more requirements or lighten up requirements on a case by case basis.

City Engineer Kirby Cook/Civil Dynamics

There are two ITD contractors working in town. Idaho Sand & Gravel is working on the roadways and Granite Excavation is doing the pipework.

The previous week, a water pipe was hit across from the Marsing Hardware Store. The City's contractor resolved the issue. It was an older pipe and it was barely clipped. The City was unaware that it was there but it was older and needed to come out of service anyway.

Cook said everything else was going pretty well with the project. Two new water services were installed at the new NAPA.

There is one thing left that the City of Marsing contractor has to do and that is cap the 6" line in front of 4th Street.

The contractor for the boat dock project has begun building the docks and they should be installed by May 15th. This contractor has done multiple ITD docks along the Snake River so the docks should be a well installed product.

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Cook asked Council if they wanted to stick with white and match the docks that are currently down at the river. (Yes.)

City Attorney Cherese McLain had no updates to report.

Code Enforcement Officer Harvey Gist reported he hadn't done anything with the new properties that were under condemnation because he thought they would take care of themselves.

Gist said there were two travel trailers that were in the right-of-way. One was located at 139 Patton Street. He said the problem was that around the corner was another one that was in the right-of-way.

Mayor Ferdinand said the trailer at 139 Patton was deemed not to be in the right-of-way. It was three feet off the roadway.

Gist is unable to locate the rooster behind the Marsing Hardware Store. He didn't want to walk on private property to locate it.

Mayor Ferdinand said to place a message on the water bills that roosters were not allowed in City limits.

Law Enforcement Report: Deputy Montes had nothing to report to the Mayor and Council.

NEW BUSINESS: John Gunderson of 225 Canal Street did not attend the meeting as he was sick. His daughter-in-law, Kim Gunderson said that John bought the property the previous October. Gunderson received a letter from Marsing Building Inspector Steve Pierson. One of the sheds on his property was 96 square feet and was on cinder blocks. There were also "covers" located on the property.

Mayor Ferdinand stated that the previous owner, Ray Mitchell, did not have permission to install the "covers".

Kim Gunderson said they are currently waiting to have the property surveyed.

The Mayor said John Gunderson needed to communicate with Pierson regarding the building permits. The 96 square foot shed needs to be moved out of the setbacks.

Public Works Supervisor Philip Gibson presented his report.

New Business

- Irrigation line repairs

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- Spraying Sterilant
- W/W compliance evaluation corrections

- Installing new playground equipment
- City Hall backup generator electrical system wired up, the generator itself is being repaired

Next Months Planned Projects

- Fertilize/insecticide trees and parks
- Spraying
- Installing playground equipment
- Barry Kendall is scheduled to bring the Island Park electrical system up to code - \$3,264

Kendall's bid was less expensive than Quality Electric's bid.

Mayor Ferdinand said that itemized bills will be required in the future for all contractors.

Discussion for City Council

- JW Chadez/Marsing School District will take the old picnic tables
- Proposed new irrigation schedule
- Ed is back to work and on the mend

The Mayor said the new irrigation schedule was a work in progress until everyone got used to it.

Councilman Chris Even asked why Gibson needed a laser leveler.

Gibson said it was to make sure the playground equipment was installed correctly.

Mayor Ferdinand asked Gibson if the leveler was part of the budget that was decided on regarding the playground equipment.

Gibson said no.

Mayor Ferdinand said that in the future for Gibson to bring large dollar purchases to the Council for approval. He also said he would like quotes attached to invoices that are presented to Council for payment.

MAYOR'S REPORT:

Councilman Tony Malmberg moved and Jolyn Green seconded to approve the Public Hearing for the FY 2019-2020 Budget for August 14, 2019 at 7:00 PM at Marsing City Hall. The Mayor

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asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

Taylor Hoffman represented Karl Peterson. Peterson paid an application fee of \$1700.00 for the annexation and rezone for property located at 6622 Simpkin Road. Hoffman requested the fee back as Peterson canceled his request for annexation and rezone.

Mayor Ferdinand said the City would refund the fee minus what was incurred by work that was already performed by Civil Dynamics prior to the cancellation.

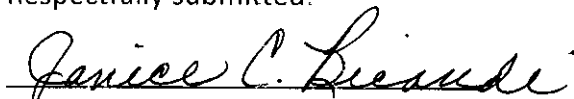
Councilman Jolyn Green moved and Chris Even seconded to refund money to Karl Peterson minus fees that were incurred for work performed by Civil Dynamics prior to the cancellation. The Mayor asked all Councilmen in favor to say aye with all Councilmen present voting aye. Motion carried.

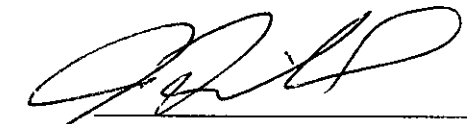
The Mayor said he thought Owyhee County was planning on ICRMP/PRIMA Training for the Council to attend sometime in April. It will be held at the Community Hall in the evening hours.

Mayor Ferdinand reported that he met with the board of the Sandbar. The Sandbar has closed their doors. They approached the City of Marsing regarding purchasing their property. He asked them to get a market analysis and to liquidate the restaurant equipment. The City is looking at possibly purchasing the property and moving City Hall.

Councilman Chris Even moved and Tony Malmberg seconded to adjourn the City Council meeting at 8:40 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: April 10, 2018