

**CITY OF MARSING
CITY COUNCIL MEETING
OCTOBER 14, 2020 7:00 PM
MARSING CITY HALL
18 SANDBAR AVE.**

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

Mayor Chad Sevy called the meeting to order at 7:00pm and led the Pledge of Allegiance.

Roll call: Mayor Sevy, Councilman R. Percifield, Councilman Even, Councilman Herman, Councilman Bennett, City Attorney Stephanie Bonney MSBT Law, City Engineer Kirby Cook of Civil Dynamics, Jolyn Green Treasurer/ Clerk, Deputy Clerk Kimberly Even, Code Enforcement Officer Cory Collins, Public Works Superintendent Philip Gibson and OCSO Officer Montes were all present.

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 September 09, 2020 City Council Meeting (Amended Date motioned by Councilman Even 2nd Councilman R. Percifield, all agree)
- B. Approval of the Claims against the City for the approximate amount of \$194,587.59 from August 12, 2020 to September 8, 2020. **Motioned Councilman R. Percifield 2nd Councilman Even All agree Motion passed.**
- C. **Ankey Brothers Kettle Corn Business License Ratification approval motion to accept Councilman R.Percifield 2nd Councilman Even, all agree motion passed.**

PUBLIC HEARING: Rezone for Multiuse Marsing Ag Labor (asking for continuance to December)
Motion to table until December Council meeting, Councilman Even 2nd Councilman Herman all agree motion passed.
CUP Burrell/Elison Application- Council Approved see exhibit A.

ORDINANCE: None

RESOLUTION: R- 152 Establishing Water, Sewer and Irrigation Rate Increase 3%. Motion by Councilman Herman 2nd Councilman Even, all agree motion passed

Public in Attendance: Kim Burrell, Mark Gibson, Jo Callison, Dean Piotrowski and Dustin Elison.

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.

BUSINESS & REPORTS:

- A. **City Engineer Civil Dynamics Kirby Cook - Reports**
 - 1) Sewer Plant Update

2) **Extension of Temporary Occupation** – Council extended To July 1, 2021 Motion Councilman Even 2nd Councilman R. Percifield all agree motion passed.

B. City Attorney MSBT Law Stephanie Bonney

- A. **Dog Ordinance Discussion**- 6 or more dogs is a CUP no matter the zoning, Puppies count as a dog after 6 Months of age.
- B. **First Draft MOU for Meals on Wheels** accepted with the change of dates to Nov 1, 2020 to Oct 31, 2021 Motion Councilman R. Percifield 2nd Councilman Bennett, all agree Motion passed.

C. Code Enforcement

- 1. General Overview.
 - A. **Towed Vehicles**
 - B. **Multiple Repeat Offenders**- Dog at large
 - C. **Areas of concern**
- 2. **Dog Kennel License Discussion** – see MSBT Law Dog Ordinance- Rabies Shots up to date will be added to license Requirement.
- 3. **Abatement Procedures for Nuisances**- Bring the issue to Council to determine if abatement procedures need to happen. If so, there is to be a hearing and notice.
- 4. **New Vehicle**- do we need it and have a spare or not get it. Council decided not to get another vehicle.

D. Law Enforcement Corporal Montes – Reports

E. Public Works Superintendent Philip Gibson

City repairs performed including

- Letter installed on trailer
- Jetter truck taken to Musick Auction
- Irrigation parts, collected
- Lagoon A, B, C, and D sludge Judged

Next Month's Planned Projects

- Irrigation repairs
- Exercise Water valves and fire hydrants
- Parker Tree Service Scheduled (parts of city park.) \$2000.00

Action Items to go before the council for consideration:

- Vehicle Maintenance Logs
- Parker Tree Service Quotes to clean up all trees in the city park. Councilman Even motioned to get more quotes and table until next meeting 2nd Councilman R. Percifield all agree motion passed.
- Tire Quotes for 2017 Ram 2500- Sevy Auto for bid for 4 tires motion Councilman Even 2nd Councilman R. Percifield all agree motion passed.
- Options for Island Park bank along Riverside Rd. Get a list of vegetation to plant. We have until spring Motion Councilman Even 2nd Councilman Herman all agree motion passed.
- Christmas Light and Decoration- \$1,500.00 motioned Councilman Even 2nd Councilman R. Percifield all agree motioned passed.

F. Mayor's Report:

- **Oktoberfest request to close Sandbar Ave.-** from Main St. to City Hall drive way-motion to approval with map placement and approval of business owner's approval by Councilman Bennett, 2nd Councilman Herman. Councilman Even and Councilman R. Percifield voted Nay, tie was broken by Mayor Sevy with his Aye vote. Motion passed.
- **Pour House Catering permit for Oktoberfest-**motion to approve Councilman Even 2nd Councilman Herman all agree motion passed.
- **Sheriff's contract-**motion to stay month to month until Council makes a decision by Councilman Even 2nd by Councilman Bennett all agree motion passed.
- **City to Consider using Collection Agency-**motion to try for 6months by Councilman Even, 2nd Councilman Bennett all agree motion passed.
- **Powder Haus catering permit for Oktoberfest-** Motion to approve with Map by Councilman Even 2nd Councilman Herman all agree motion passed.
- **Brokers Price for 425 Main-**Motion to Auction for\$ 80,000.00 minimum bid Councilman Even 2nd Councilman Bennett. All agree motion passed.
- **Sandbar Community Room Policies-**Motion to table Councilman Even 2nd Councilman Herman all Agree motion passed.
- **Employees request for Friday after Thanksgiving to a PTO Day-** Motion to approve Councilman Even 2nd Councilman Herman all agree motion Passed.
- **Change Date of November Council meeting** to Thursday, November 12, 2020 Motion to change Date Councilman Even 2nd Councilman R. Bennett all agree motion Passed.

- **Motion to Adjourn** motioned Councilman Even 2nd Councilman Herman, all agree Motion passed.

Respectfully submitted:

Jolyn E. Green, City Clerk-Treasurer

Chad Sevy, Mayor

Dated: _____

CITY OF MARSING
FINDINGS OF FACT AND CONCLUSIONS OF LAW
OF THE CITY COUNCIL

I. INTRODUCTION

The Marsing City Council held a regular meeting and public hearing on Oct 14, 2019 to consider an application for a Conditional use permit, as submitted by the Burrell / Elison.

The Burrell / Elison requested approval of a Conditional Use Permit For the ability to have roosters on their property.

II. STANDARDS APPLIED

The standards applied by the Council in making its decision are taken from Marsing City Code.

III. FINDINGS OF FACT

Requested Action:

1. Application for a Conditional Use Permit to have roosters on property.

Location: 912 Moler Ln, Marsing, Idaho.

Correspondence:

The Conditional Use Permit was advertised for a public hearing. Notice of public hearing was published on September 30 & Oct 7, 2020 in the Owyhee Avalanche. Notice was sent to political subdivisions and property owners within 300 feet on September 29, 2020. Correspondence received from agencies and the citizenry are incorporated into the record.

IV. CONCLUSIONS

The Council makes the following findings: That having roosters on property.

1. Will in fact, constitute a Condition Use Permit authorized in the City of Marsing.
2. Will be harmonious with and in accord with the general objectives and with any specific objectives of the comprehensive plan and/or the Ordinance.
3. is designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or likely character of the neighborhood, and that such use will not change the essential character of the surrounding area.
4. is not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of such proposed use.
5. does not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community
6. does not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors or other forms of pollution.
7. does not result in the destruction, loss or damage of an important natural, scenic or historic feature.
8. is on a site of sufficient size to accommodate the proposed use, including the yards, open spaces, walls, fences, parking areas, loading zones and design standards applicable

The following conditions shall apply:


1. The applicant shall comply with all requirements of City of Marsing Conditional Use Permit to allow maximum 6 Roosters with the combination of chicks, hens and rooster to a maximum of 25 total birds.
2. The property is to be open to inspection if complaints of noise or Odor during normal business hours Monday – Friday 8am to 5pm.
3. All subject birds be cooped from dusk to dawn.
4. The Property owner might be required to hood or collar Birds if there is a complaint of noise at night.

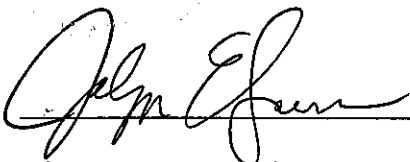
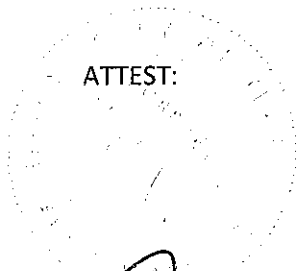
V. DECISION

The Marsing City Council, pursuant to the aforementioned, enters the following decision in the matter of the application for the Conditional Use Permit.

Number 1) Conidiation Use Permit – APPROVED, subject to the conditions set forth herein.

DATED this 14th day of October 2020



Chad Sevy, Mayor

Jolyn Green, City Clerk