

**MELBA CITY COUNCIL
AGENDA**

Monday January 9, 2017 7:00 pm

Amended Agenda – to add additional items under Business – Item C. Consideration of setting a hearing; authorizing publication of hearing to consider the rate increases for Solid Waste Collection Rates as proposed by J&M Sanitation

Roll Call: Council Members: Dickard, Forsgren, Hinderliter, Stapleton

Note: Councilman Hinderliter will be absent

Pledge of Allegiance: Councilmember Stapleton

PUBLIC HEARING

The purpose of the Public Hearing is to hear public testimony written or oral on the following item(s):

Vacate Portions of Stokes Ave and Broadway St - Melba School District:

Those portions of road rights-of-way to be vacated is a portion of Broadway St adjacent to Lots 1-4 Block B and 30.00 feet of Stokes Ave being adjacent to Lot 4, Block B of the original Eichenberger Subdivision vacated January 2003.

Due to an error or inadvertent omission the subject rights-of-way were not abandoned and vacated as part of the original vacation process in 2003. The City requested the vacation be accomplished as part of the Elementary School construction project.

REGULAR MEETING

1. Consent Agenda

All matters listed within the Consent Agenda are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on the items unless the Mayor, a Councilmember or citizen so requests in which case the item will be removed from the Consent Agenda and placed on the Regular Agenda.

- A. Approve/Amend Agenda
- B. Approve draft minutes of December 12, 2016 Regular Meeting
- C. Approve outstanding bills for payment.

2. Presentations:

Items under this category do not require any action from the Council at this time and are for information purposes only. Please Note: *Presentations are subject to a three (3) minute time limit unless extension of time is deemed necessary by Mayor Luttrell and/or City Council members.*

- A. Canyon County Sheriff's Deputy – Activity report for Melba area

3. Citizen Participation:

Items under this category do not require any action from the Council at this time and are for information purposes only. Please Note: *Citizens are subject to a three (3) minute time limit unless extension of time is deemed necessary by Mayor Luttrell and/or City Council members.*

4. Business

- A. Council action on Public Hearing issue. Direction to City Attorney to draft Findings of Fact and Conclusion of Law and Order for review, approval and adoption at the February 13, 2017 Council meeting.
- B. Attorney Gigray to advise Council on procedure for rate increase for Solid Waste Services proposed by J&M Sanitation as per the J&M Sanitation Franchise Agreement. Forwarded from the December 12, 2016 Council meeting.

- C. *Consideration of setting a hearing for Monday, February 13, 2017; authorizing publication of hearing to consider the rate increases for Solid Waste Collection Rates as proposed by J&M Sanitation*

5. Reports:

- A. Beautification Committee Report- No meeting scheduled; meetings will resume February 13, 2017
- B. City Attorney –William F Gigray
- C. City Engineer – Mike Davis
- D. Public Works – Dennis Rogers

6. Adjourn

Enclosures: Agenda, Public Hearing information, Draft Minutes of December 12, 2016 Regular Meeting, Monthly/Quarterly financial reports, and miscellaneous correspondence

If requested this agenda can be made available in appropriate alternative formats to persons with disabilities. Persons seeking an alternative format should contact Melba City Hall at 208-495-2722 for further information. City of Melba is an Equal Opportunity Employer.

City Clerk's Draft Minutes of the City Council Meeting

Caution: These Draft Minutes have not been approved by the City Council and are not therefore an official record relating to the conduct or administration of the City's business and will not be retained. At such time as Minutes of the meeting reflected herein are approved by the City Council said Minutes will become the official record of the conduct or administration of its business, as reflected therein and retained by the City Clerk's office

**City of Melba
Minutes**

Monday January 9, 2017

Councilmembers in Attendance: Dickard, Forsgren, Hinderliter, Stapleton

Also present were the following: Attorney Bill Gigray and Public Works Supt. Dennis Rogers

PUBLIC HEARING

The purpose of the public hearing is to hear comments regarding the City's intent to vacate certain portions of Stokes Ave and Broadway St. Due to an error in the original vacation ordinance of January of 2003; the subject rights-of-way were inadvertently omitted and were not abandoned and vacated as originally intended.

Mayor Luttrell presented the public hearing procedures.

The City Clerk's Staff Report was presented. City Engineer Mike Davis was not in attendance for testimony; a prepared Staff Report on the merits of the proposed vacation of rights-of-way was presented and entered into the proceedings as Exhibit 5 with a recommendation for Council to approve the vacation as described.

There was no public in attendance to offer comments.

Written comment from Century Link indicated no opposition to the vacation; the cable has already been abandoned. No response was received from any of the other agencies regarding the notification.

With no further discussion from Council, this portion of the Public Hearing was closed. City Attorney Gigray was directed to draft Findings of Fact and Conclusions of Law and Order on the following findings:

- It is in the public's interest to vacate the stated rights-of-way due to the fact that there is no use or need for the City to retain them as public right-of-way.
- The vacated rights-of-way be transferred to the Melba School District.
- The Melba School District is not charged for the value of the vacated rights-of-way, the vacation is a condition of approval for the construction of the new elementary school.

Council will continue the hearing to February 13, 2017; by motion from Stapleton; 2nd by Dickard. Motion Carried

Council moved into regular session.

1. Consent Agenda

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- A. Approve/Amend Agenda
- B. Approve draft minutes of December 12, 2016 Regular Meeting
- C. Approve outstanding bills for payment

Consent Agenda was approved with amendment to the Business section to remove Item A-Council action on Public Hearing issue from the Agenda by motion from Dickard; 2nd by Stapleton. Motion Carried

- 2. **Presentations:** There were no presentations.
- 3. **Citizen Participation:** There was no Citizen participation.
- 4. **Business**

- A. City Attorney Gigray advised Council on procedures for Solid Waste fee increases proposed by J&M Sanitation. At this time Attorney Gigray commented pursuant to the Franchise Agreement dated March 12, 2007, Council must follow procedures of Idaho Code 63-1311A; as per the Agreement J&M Sanitation will pay for any publication costs. If the increase is approved, the new fees will be approved by resolution which will include amendment to Exhibit A of the original Agreement.

Attorney Gigray advised Council that the 10 year Agreement with J&M Sanitation will expire December 31, 2017, pursuant to the Agreement the Agreement is automatically extended unless Council by Resolution elects not to renew.

Stapleton motioned to re-new Agreement and set a Public Hearing date for Monday, February 13, 2017, directing City Clerk to publish a Notice of Public Hearing for Solid Waste Service Fee Increase; 2nd by Hinderliter.
Motion Carried

5. Reports

- A. Beautification Committee Report – No report
- B. Attorney Gigray reported on a request from City Engineer Davis regarding the easement issues for the Drinking Water System Improvement project regarding various properties within the DWS project where parcels are to centerline of the road. Mr. Gigray requested additional information from the staff; when the water meters were installed; has the City continuously maintained the meters; if 4th St is a public right-of-way and how long the City has maintained it as such.

Mr. Gigray reviewed the waterline easement information for Melba School District; there were no easements granted to the City when the lines were installed with the 2003 construction project.

At this time Mr. Gigray provided the Public Domestic Water Utility Deed of Easements and Acceptance draft for Council approval; once Council approves the document it is transferred to Melba School District for consideration at the next School Board meeting. Hinderliter motioned to accept draft Public Domestic Water Utility Deed of Easements and Acceptance for transfer to Melba School District for consideration; 2nd by Forsgren. Motion Carried.

- C. Due to weather related issues, City Engineer Mike Davis was not in attendance.
- D. Public Works Supt. Dennis Rogers reported there was a break in the mainline at 6th and Randolph, Mr. Rogers has had 2 frozen meters reported, repairs were completed and services back on line.

In miscellaneous discussion, the pick-up/drop off area at the new Elementary is still an issue. After short discussion Mayor Luttrell requested a meeting with Melba Fire Chief and Supt. Grover to discuss options to help resolve this issue.

- 6. **Adjourn** - With no other business, meeting adjourned at 8:25 pm by motion from Stapleton; 2nd by Dickard. Motion Carried

Mayor

Attest:

City Clerk