

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
August 4, 2008**

6:00 PM –

The City of Payette City Council will hold a work session prior to their regular meeting for the purpose of discussing the FY 2009 City Budget.

6:45 PM Public Hearing

An application by Michael & Janice Moser for a Variance for a flag lot at 541 S. 12th Street, Westslope Subdivision, portion of Block 20. The property is zoned B-Residential.

Michael Moser- 1803 Lawndale; Meridian, ID 83642

I had like 200 foot of frontage at 541 South 12th St. I am trying to cut off 80 foot frontage, and then go on the south side of the house to South 12th. The back line will go 163 foot beyond the house that I'm cutting off. The back property will have 200 foot of width. So I wanted to go with a flag lot to make use of the property, instead of just cutting down the middle and having two narrow lots going back. I want to try and do something with the lot back there. Councilor Williams stated the he see's Mr. Moser is going to put in another driveway into the existing house. Mr. Moser stated yes, he would like to put one in on the north side of the water meter. Instead of being on the south side of the house, it would be on the north side. I realize I need someone to do some concrete work there for an entry, put gravel and things on there. I would have to do that anyways if I had another lot there, so either way I was going to have to put another entry in. I was told when they checked in with the water and sewer that they didn't see any problems. Councilor Hanigan asked if the existing carport that is detached would go away. Mr. Moser stated that eventually when we build back there. If I built one house I don't know what the City did when they gave the permit. There is a little part of the garage that sticks out on the front, but if it was cut off there would still be 20 feet on the south side of the building to run a driveway. That is up to the City. If they say it has to go, it has to go. In my mind there is room though. I have 80 foot of frontage and I have at least 20 there. If I take a little bit of the carport part, and just left the garage part. It extends about 4 or 5 feet, and I would just cut that off. Councilor Williams asked if Mr. Moser had any knowledge of someday their being a street behind South 14th St. Mr. Moser stated the he understood there could be, but he does not butt up against it. Councilor Williams asked from this proposed street how far might it be to your property line. Mr. Moser stated that when he looks out there, it looks like 100 feet or something. There is a yellow house right there by the dome school, someone told me it used to be a nursery at one time and it has an abandoned house right behind. I think that road would cut in on the other side of that yellow house. So whatever the width of that yellow house in front of the dome high school, I think they have a community driveway kind of going both ways on that. I would love to be up closer to it, but I'm not. They got that yellow house, and a house behind that it that has been abandoned and a neglected area behind me. At least that width, it looks to me when I come out on my car it looks like 100 feet or so. Councilor Cochran asked would the existing carport and garage that are detached, would they be available to the new resident or is it still going to be available to the existing resident. Mr. Moser stated no. If I keep both properties and I'm renting and I'm not doing anything for a few years they can use it, but it will be cut off. Councilor Cochran asked if someone builds a home back there and they purchase it, are they buying the whole flag lot. Mr. Moser

stated they would buy the whole thing, it only has one split. That's all that's getting done right now. I mean I guess they would have to come before you, or I would. It's got an R2 and I guess if wanted to expand on that I'd be here hand and hand again. I can't just go split it again; legally I don't think I can. Mr. Moser said he heard that sometimes they don't like flag lots because they are narrow behind you, and you never take care of them. I felt like this is a decent one because it has so much space back there.

Public Hearing adjourned at 7:00pm

7:00 Regular Meeting

A regular meeting of the Payette City Council was called to order at 7:00 PM by Mayor Henderson in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

Members Present: Mayor Henderson, Ivan Mussell, Jeff Williams, Georgia Hanigan, Lee Nelson, Les Cochran

Members Absent: Mark Heleker

Also Present: Police Chief Mark Clark; Street Supervisor Willie Hollis; City Engineer Doug Argo; Police Captain Dave Platt; Mary Cordova, City Coordinator/Clerk; Tiffany Howell Utility Clerk, Water Supervisor Rob Woyak

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

Cochran moved and Williams seconded a motion to amend the agenda to include new information from the Nazarene Church, in reference to their development agreement as Item B in New Business

After a unanimous voice vote by the Council, the motion CARRIED.

Williams moved and Nelson seconded a motion to amend the agenda to include new information about a subdivision for Clayton Daines on 12th Avenue South as Item C.

After a unanimous voice vote by the Council, the motion CARRIED.

APPROVAL OF MINUTES

City Clerk Cordova asked the Council that they not consider the minutes, and postpone them to the next meeting.

APPROVAL OF BILLS & PAYROLL

A motion was made by Cochran and seconded by Hanigan to approve the City Bills & Payroll in the amount of \$198,009.02.

At the roll call:

Ayes: Nelson, Mussell, Hanigan, Williams, Cochran

Nays:

The motion CARRIED.

SPECIAL ORDERS

None Heard.

COMMUNICATIONS

A. Letter of Thanks from Emmett Police Department

PLANNING & ZONING

None Heard.

OLD BUSINESS

None Heard.

NEW BUSINESS

A. An application by Michael & Janice Moser for a Variance for a flag lot at 541 S. 12th Street, Westslope Subdivision, portion of Block 20. The property is zoned B-Residential.

Nelson moved and Williams seconded a motion to approve the Variance for a flag lot at 541 S. 12th Street.

After a unanimous voice vote by the Council, the motion CARRIED.

Councilor Williams stated the reason we look at something like this as a variance is to be give only if there is a condition of the land that prohibits normal development. South 12th Street and South 11th Street in Payette are very deep lots. Maybe years ago people had a couple calves out there, but it's not practical anymore. That is why I asked about the future South 14th Street.

B. The Nazarene Church's Development agreement and temporary occupancy permit.

Clerk Cordova stated that the City issued a Certificate of Occupancy for the Payette Nazarene Church, and it expires August 11, 2008. They are asking for an extension of the Certificate of Occupancy. We thought we could extend the development agreement, but after talking with Mr. Osborn his suggestion was we extend the Certificate of Occupancy. They still have some paving requirements to be met

Doug McGehee 10988 River Road; Payette, ID-

I know that in the past years you guys have helped us considerably in getting our church built. I know there have been some fees waived and we don't take that lightly, we appreciate all that the City had done to help us to this point. Unfortunately with the economy the way it is over the past few years, we went to pave and noticed that the parking lot the money that we budgeted paved what you see today. In talking with Ms. Cordova we looked at what the occupancy capacity is that is required. The way it reads in the City Ordinance is for 300 seats we need 100 parking spots. We have 102 parking spots right now, and we have 5 handicap spots. On the last inspection that the Building Inspector did were some requirements were the ADA parking and the landscaping, which we have taken care of. The only requirement left is the parking lot that is left unfinished, and we are going to finish it. With the economy the way it is we are \$200,000 over budget on building this church. We don't want to see our people walk through the gravel to come to church, but at this point we have enough parking spots for the amount of seats we purchased. What we are asking for is a year if not two year extension to allow us to re-coup from this large overrun to pave the church. I don't want to go in and do a temporary patch job, I want it to look nice like it does now.

Councilor Williams asked when you are completely done what the number of seats will be. Mr. McGehee stated that plan is 426, and if we were to pave the remainder of the parking lot that would add an additional 33 parking spots. Which would bring us to 135 parking spots; with that number we could have 405 seats. We are trying to stay within what the City Ordinance states and we are not trying to get around that. Right now we are adequate for the amount of people coming to church. I did a lot of research on overflow parking and as long as it's graveled or grassed it's always been acceptable. We try and keep the dust to a minimum; we have even gone the extra mile and grassed a lot of the area to keep the dust down. Councilor Williams stated that he went down to the church and there is a plaque on the wall that says 800 and some people. Where did that come from? Mr. McGehee stated that he thinks that is a fire code. Fire Chief Jeff Sands stated that it tells you what the occupancy in the different building is.

Clerk Cordova had a recommendation to the Council that they grant a 2 year extension to the Nazarene Church. As you know we have budgeted to complete the 7th Avenue North project next year, and the church will be responsible for completing their portion. That is going to be an additional expense they will have for next year.

Williams moved and Mussell seconded a motion to grant the Payette Nazarene Church a 2 year extension on the Certificate of Occupancy provided they do not exceed the present 300 seats.

After a unanimous voice vote by the Council, the motion CARRIED.

C. Subdivision for Clayton Daines on 12th Avenue South

Clayton Daines – 824 Hughes Dr; Payette, ID 83661

Mr. Daines stated that he has taken the acreage on 12th Ave. South, and divided it up into three (3) lots, and it will be commercial. The other four (4) lots will be B residential. If you notice all the commercial lots will be at least one (1) acre. The back one will be almost two (2) acres. Mayor Henderson asked if the lot on the far east side, it looks like after it's all said and done its going to be a third of the way in the right of way what is it? Mr. Daines stated that it was originally a garage, and now it's going to be an

apartment with a garage in the back. It actually doesn't sit in the right of way; it sits back about 11 feet.

City Engineer Doug Argo stated that according to the survey the edge of that building does encroach into the new right of way. We are not opposed to that with some stipulations regarding future events. One of those being that if your building burns down you will have to rebuild that it would then have to meet the setback requirements and use requirements. There are two residences on one lot, and we do not allow that in our code. The other stipulation would be in the event that the road widens and we need to use that right of way, then whatever entity is driving the road widening they would pay for the tearing down of the building, but not compensating the owner for the loss of that building. It seems like a fair trade for something that is not supposed to be there.

Councilor Williams asked if this was B Residential, and why can't there be two residences on one lot. Councilor Hanigan stated you can have multi-family, but not two separate. Doug Argo stated that you can have a duplex with a Conditional Use Permit, but you have to go through the same process. Councilor Cochran asked if Mr. Daines would be building right away. Mr. Daines stated no, it's going to take another year. Mr. Argo stated that if the preliminary plat is approved tonight then the clock starts and you have one year to get your final plat approval. At that point you either need to have the improvements completed or you need to bond for those improvements. Does that fit your time table? Mr. Daines stated yes, I can do it in a year. In fact if you approve it I will start right away.

Hanigan moved and Cochran seconded a motion to approve the preliminary plat for the Daines Subdivision subject to the conditions covered by the City Engineer.

After a unanimous voice vote by the Council, the motion CARRIED.

DEPARTMENTAL REPORTS

Also the Syringa Lions came in today and donated \$75.00 to the Flag Fund.

CITIZENS COMMENTS

- ❑ Clerk Cordova asked Mayor Henderson that the Ductile Iron will be on the August 25th Public Hearing, and I just want to let you know that is the same night as the Budget Hearing. Do you want to have it on the same night? Mayor Henderson stated yes, that would be fine.
- ❑ City Clerk Cordova stated that she is very pleased to see that Mr. Daines preliminary plat has been approved. We have been working on this for a couple of years now, and I'm glad to see this go through.
- ❑ Rob Woyak stated that he was informed at the last public meeting that our water was of such poor quality. Two years ago we were given a Certificate of Achievement by the State of Idaho, signed by the governor and by DEQ. Just to let you know we are doing a good job in spite of things you have heard.

- ❑ Councilor Williams stated that the property we acquired on South 14th Street has a bit of a weed problem. They look like they are more than 8 inches, and if we want to set an example we might want to do something about them.
- ❑ Councilor Williams stated that he had a citizen call him questioning the Ordinance on the Park fee. This person says you have an ordinance here that if you have 50 people or more you can charge \$1.00 a piece. Now, the very last sentence states that if we have other ordinances that it would take precedence over this. Clerk Cordova stated that is our old ordinance and it was \$1.00 per each multiple of 50 persons. When we did Ordinance 1284; which amended our Special Events Permit, that section was inadvertently not changed. Some of the Citizens are thinking we are nickel and diming them to death. Clerk Cordova stated that we never charged the \$1.00 fee before.
- ❑ Councilor Nelson stated he would like to see some information about why Tacoma is taking out their PVC. Clerk Cordova stated that the City of Moscow and Lewiston are doing the same thing.
- ❑ Councilor Williams asked the Council is the Ductile Iron vs. PVC Pipe a City wide situation, or is this an individual developer? Councilor Nelson stated that personally he feels there is enough of a dollar issue to be City wide. Councilor Williams asked Attorney Osborn if Lancaster says he's out of this, and he pulls his pilot project does that open it up for me to be in the discussion? Attorney Osborn stated that if Mr. Lancaster says he is pulling out I don't see any controversies. Mayor Henderson stated that we need to air on the side of caution on those conflicts. Councilor Hanigan asked if another developer came in with the same request does that free him up. Attorney Osborn stated yes. Councilor Nelson asked if the Council votes to allow Jeff to participate in discussion is that ok. Attorney Osborn stated that would be fine.
- ❑ Mr. Lancaster stated that he has discussed it and we would like to withdraw his request for a pilot project. He would like for this not to be a pilot project, but an ordinance.

MAYOR'S COMMENTS

- ❑ The Ductile Iron vs. PVC issue will be on next meeting's agenda.
- ❑ The City of Payette offers its condolences to the family of Warren McCain. He was a generous and kind man, and showed his love for Payette. We feel for the family in their time of loss.

ADJOURNMENT

A motion was made by Williams and seconded Mussell by to adjourn.

After a unanimous voice vote, the motion CARRIED, and the Council adjourned at 7:35 PM.

Signed this _____ day of _____, 2008.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk