

**MINUTES  
PAYETTE CITY COUNCIL  
REGULAR MEETING  
June 2, 2008**

**6:30 PM Public Hearing**

LEGAL NOTICE IS HEREBY GIVEN that on Monday, June 2, 2008, at Payette City Hall, 700 Center Avenue, Payette, Idaho, at 6:30 pm or as soon thereafter as the matter may be heard, the City of Payette City Council will receive comments regarding the City's intent to increase Utility Account Deposit fees, Late Fees for Delinquent Utility Services and implement a charge for moving existing water meters.

The proposed rate increase to the utility account deposit fee is proposed at \$100 to \$125, and will increase the delinquent account fee from \$1 to \$5. Proposed charge for moving an existing water meter will be a minimum of \$50 or at City cost, whichever is greater.

The State of Idaho, under authority of Idaho Code §63-1311, provides that the governing board of any taxing district may impose and cause to be collected fees for services provided which would otherwise be funded by property tax revenues. The above referenced fees related to utility account services have been preliminarily determined by the City to be reasonable in relationship to the cost of providing utility services and do not exceed the actual cost incurred by the City to render such services and to protect its ability to collect such fees.

All persons are invited to attend the public hearing and provide comment on the proposed fee increases. For further information regarding this proposed utility account rate increase, please contact the City Clerk's office at 642-6024 during regular office hours.

Clerk Cordova stated that the reason she is coming to the council tonight to recommend an increase to the utility deposit fee, is that it has been set at the \$100 for many, many years. Since then the water and sewer rates have increased. The utility deposit fee is intended to protect the City against someone who has skipped out on their bill. Now if someone happens to skip out of their bill we would need more of a security deposit to cover bill.

In our ordinances, the City authorized a delinquent account fee of \$1, on each delinquent account. However, our software has never had the capability to add that fee to the utility billing, but our new software does. We are requesting a \$5 delinquent account fee, and that is added to each account as it becomes delinquent. We are also suggesting a charge be imposed for moving an existing water meter. The minimum fee is proposed at \$50 or at the City cost, whichever is greater. The City in the past just did it, nobody knows why we never charged for it. For instance a new subdivision is put in and the water meter is set in the lot, but then the house plans need it to be on the other side of the lot. Then we have to go out and move that meter.

Councilor Nelson asked Clerk Cordova how often we are moving those meters. She stated not too often, maybe twice a month. Councilor Heleker asked Clerk Cordova if the fee has been \$100 for as long as you say it has been, is this increase sufficient? She stated that our Utility Billing Specialist believes so. Councilor Williams stated that it seems like once a year we have a charge off of delinquent accounts, but I see addresses there that ring a bell as renters. It doesn't seem like it is our fault, but it seems like there might be a higher propensity of renters that default. Is there any reason to charge more for renters; is there more risk; any thoughts there? I'm not saying don't go to the \$125, but is there a greater risk? Mayor Henderson stated that it would definitely be his suspicion, that renters are a bigger part of it. Mayor Henderson stated that as far as the increase on the deposit; we are looking into a couple different arrangements right now were we have an automatic pay system, and also looking into some credit card possibilities. We are talking about making the deposit half if you sign up for the automatic pay, so be expecting to hear something on those lines in the next month or so, where you could have less of a deposit if you agree to have automatic payments.

Councilor Hanigan stated that back to the late fees, we currently have authorization for the \$1 but that's never really been charged, and we are looking at a \$5 fee. At what time would you incur these fees? Clerk Cordova stated that after the 10<sup>th</sup> of the month. Councilor Hanigan asked if we would offer a grace period. Mayor Henderson stated that was a grace period. Clerk Cordova stated

that it's always been 10 days from the bill date, if the bills not paid in full by 10<sup>th</sup>. Councilor Hanigan said she is just thinking of a lot of people who have the 10<sup>th</sup> of the month in their mind set for paying bills, and she thinks that would be early to charge a late fee. Mayor Henderson stated that it is 10 days after it is due. Councilor Hanigan said there is a lot of mind set of "I pay my bills on the 10<sup>th</sup>" and I just think that would be too early for us to assess a late fee; I don't have a problem with it. Councilor Mussell told Clerk Cordova that he called all the cities in the front of the Boise phone book, to see what they were doing. Councilor Mussell stated that there were 15 cities on his list, and 7 out of 15 charge a deposit, and 9 out of 15 do not charge a late fee. Councilor Mussell stated that most of them are less than \$125, and a couple are more than \$100 deposit required. Middleton does not have a late fee or a grace period they just turn you off when you are delinquent, and they then charge you a turn on fee. Mayor Henderson stated that part of our point on this is, if we are going to charge a fee \$1 is ridiculous it doesn't cover us administratively. Councilor Hanigan stated that the \$5 fee absolutely, but let's be careful there. Councilor Heleker stated that he is amazed by the cities that Ivan researched. Wilder is the only one that charges \$125, most of them do not have a deposit at all, or \$75. I wonder what kind hammer they have, I see that they are leaving themselves open to a lot of people skipping out on them. Councilor Heleker stated that if a renter takes off then it falls back on the poor owner. Councilor Mussell stated that one thing he did hear was that delinquencies are up now because of the economy, and they said there are a lot more late payments coming in. Councilor Mussell stated that they also stated that they might raise it. There are two towns that were doing 1% and 1.5% of the bill for late fees, but they thought since there are so many delinquent they might raise it. Councilor Heleker asked if someone is renting a property and they just leave town, it doesn't fall back on the property owner, so that just goes away. Mayor Henderson stated those are the write off's we do every year. Councilor Williams stated that his experience is that cities will try to bluff that the landlord needs to pay the bill, but really push comes to show the person who signed up for it is responsible and it cannot be passed on to the landlord. Councilor Hanigan stated that if that's the case then why do we have charge off's, that perhaps could be renters. Councilor Williams stated that he finds it hard to believe that I would have sat here and said it is ok to pass on someone responsibilities. If someone goes into the City and signs up for a utility fee and they skip out how can that responsibility be passed on to someone else. Some discussion followed.

### **6:45 PM Public Hearing**

Lancaster Development, LLC, has applied for a temporary variance to cul-de-sac length requirement, Payette Municipal Code section 16.12.040, to allow a proposed temporary cud-de-sac of up to 650' feet in Phase 1 of Gold Ridge Subdivision, legal description is as follows:

A parcel of land located in the SE 1/4 of the NW 1/4 and the SW 1/4 of the NE 1/4 of Section 35, Township 9 North, Range 5 West, Boise Meridian, City of Payette, Payette County, Idaho. Legal description is available at Payette City Hall.

Mayor Henderson stated that after speaking Mr. Osborn earlier we don't really need to have the other public hearing. It's not going to be a permanent situation like a variance is.

Public Hearing adjourned at 6:45pm

### **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, Mark Heleker, Georgia Hanigan, Lee Nelson

Members Absent: Les Cochran

Also Present: Police Chief Mark Clark; Fire Chief Jeff Sands; Assistant Fire Chief Willie Hollis; City Engineer Doug Argo; Police Captain Dave Platt; Mary Cordova, City Coordinator/Clerk; Rob Woyak Water Superintendent; Holly LaFever; Byron Smith, Colleen Bonnell, Library Director

### **PLEDGE**

Mayor Henderson led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

Councilor Heleker stated that on page 3 Councilor Cochran made the motion for Councilor Heleker to be a voting delegate at the conference, not for himself.

Mussell moved and Heleker seconded a motion to approve the regular meeting minutes of 05/19/2008 with changes noted

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

### **APPROVAL OF BILLS & PAYROLL**

A motion was made by Hanigan and seconded by Williams to approve the City Bills & Payroll in the amount of \$284,506.92

At the roll call:

Ayes: Williams, Hanigan, Mussell, Nelson, Heleker

Nays:

The motion CARRIED.

### **SPECIAL ORDERS**

#### **A. Appointment of Randy Fales to Payette Forestry Commission**

Heleker moved and Williams seconded a motion to appoint Randy Fales to the Payette Tree Commission

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

### **COMMUNICATIONS**

No comments heard.

### **PLANNING & ZONING**

**A. Application for Conditional Use Permit and Conceptual Plan for Development In City Impact Area**  
**~ Diana Barela and Jack Ziegler**

Mayor Henderson stated that they are also asking to place a care takers residence at this facility. The administrations primary concerns are that this facility has proper water flow for fire protection. Also that it is in our impact area next to another City business it should be brought up to City standards.

Councilor Williams stated that Teton Machine is between that property and this property. Mayor Henderson stated that page 10 of the council packet shows a map of the property. They will be putting the care takers residence close to 10<sup>th</sup> avenue. Mayor Henderson stated that there is a fire hydrant in the northeast corner of Teton's property, along northeast 10<sup>th</sup> Avenue. Councilor Hanigan asked Mayor Henderson if we are considering two separate issues, one to approve the storage building. Mayor Henderson stated that we are not approving anything; all we are doing is giving our recommendation. The two main issues we are looking at is we want to make sure there is adequate fire flow for fire protection. Also, being right there on the City boundary we have an agreement with the County that the property there would be brought up to City standards. We are looking at the issue with the residence being there in light industrial, and if we have any opinion on that situation. Mayor Henderson asked if they are planning on putting a double wide on the property. Clerk Cordova stated that initially the County did not know, but they later discovered that it would in fact be a double wide manufactured home. Mayor Henderson asked if it was a new one or a used one. Clerk Cordova stated she did not have that information available. Councilor Heleker asked if they were unable to attend. Mayor Henderson stated they did not need to be present.

Ms. Cordova stated they should be required to put a fire hydrant into the property for the protection of their development. The property is next to a multi-million dollar business, and adjacent to City limits. We would be requiring them to put curb, gutter, and bring a fire hydrant into the property if it were in City limits. Mayor Henderson asked when the public hearing was. Ms. Cordova stated it would be June 12. Mayor Henderson asked if the council had any questions to email them to administration.

Nelson moved and Williams seconded a motion to develop the property to City standards, and there be no glare from the lights off premises, and egress and ingress meet all city standards.

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

**OLD BUSINESS**

None heard.

**NEW BUSINESS**

**A. Grant for Red Zone Fire Study**  
**~ Holly LaFever, 903 Haas Rd. Weiser, ID 83602**

Mrs. LaFever has been working with Jeff Sands to implement a mapping software system for the Rural Fire District, called Red Zone. She gave an overview of how the software will work. She stated that they go out and assess each home, fill out a survey

and upload all of the data into the Red Zone software. Once all of the information is uploaded into the software, they will have maps of the entire area with every home in the rural protection area. The software pertains more to wild land fires. They start with the areas that are more at risk of wild land fires and move out from there. They are working towards a tentative completion date in September.

**B. Request to Dispose of Surplus City Property  
~1998 Crown Victoria – Scrap Metal**

Mussell moved and Heleker seconded a motion to dispose of the 1998 Crown Victoria surplus property as scrap metal.

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

**C. Variance Application – Lancaster Development, LLC  
~ PMC Section 16.12.040 (g) Cul-de-sac Length**

Mayor Henderson explained that this is not really a request for a variance. It is a temporary development allowance, as it will not be a permanent condition within the subdivision. Mayor Henderson asked Mr. Lancaster how long it should take to sell out. Mr. Lancaster stated they estimate it to sell out within two years, but there is another egress through the new ball fields behind McCain.

Heleker moved and Mussell seconded a motion to approve the extension of the cul-de-sac for Lancaster Development not to exceed two (2) years.

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

**D. Special Event Permit  
~ Summer Reading Program**

Mussell moved and Hanigan seconded a motion to approve the Special Event Permit for the Summer Reading Program

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

**E. Special Event Permit  
~ Payette School District Summer Lunch Program**

Mussell moved and Heleker seconded a motion to approve the Special Event Permit for Payette School District Summer Lunch Program and waive the fees.

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

**E. Resolution 2008-14 A Resolution of the Payette City Council Adjusting Water and Wastewater Rates by the Consumer Price Index (CPI)**

Councilor Williams stated that in the past years we have expressed extreme concern on the Wastewater Department. Clerk Cordova stated the fund is healthy. If we don't keep doing the annual adjustments we will be hurting. The fund is recuperating. Councilor Williams asked if we are finally moving along, and if the water is holding its own. Clerk Cordova stated it is holding its own. Councilor Williams asked if we need the full 4% on the sewer fund. Clerk Cordova stated that at the moment it is ok, but looking into the future we need to keep up to date on this issue. Councilor Williams asked if we need to hit the sewer users if the water is the one suffering. Clerk Cordova stated that we have a bond payment that is coming up that we have not started to pay on. Councilor Nelson asked if it would be easier to budget it for this year, rather than cutting the budget like we did last year. Councilor Williams asked if we need 4% in both water and sewer, since water is much healthier than sewer. Mayor Henderson stated that it is costing us more to fill our tanks, and the water and sewer departments are suffering like the rest of the economy, and we need to stay the 4% to stay ahead. Clerk Cordova stated that this is our way of stay ahead of costs, rather than falling behind, and this is solely at the cost of doing business.

A motion was made by Heleker and seconded by Hanigan to pass resolution 2008-14.

At the roll call:

Ayes: Williams, Hanigan, Mussell, Nelson, Heleker

Nays:

The motion CARRIED.

**F. Ordinance 1295 - An Ordinance of the City of Payette, Idaho, Amending Sections 13.04.100, 13.04.250 (A), and 13.08.090 (B) of the Payette Municipal Code to Allow Charges for Owner Requested Meter Relocation, to Adjust the Utility Account Deposit Fee, and to Provide for a Utility Account Delinquent Charge; Setting an Effective Date; Establishing Severability; Allowing for Publication by Summary; Establishing a Repealer; Establishing a Penalty  
~ First Reading**

Mussell moved and Nelson seconded a motion to introduce Ordinance 1295 by title only.

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

Clerk Cordova stated that we need these changes to charge for meter re-location. The City has been incurring this cost, as well as materials and labor. Also, we are asking to raise the meter deposit to \$125, to reduce our write off cost. We are also asking a \$5 delinquent fee. Councilor Mussell stated that if we raise it to the ordinance we will be the highest of all the towns Councilor Mussell researched. He does not believe it is right when the economy is so low. Only 7 out of 15 require a deposit, and 6 out of 15 charge a late fee. Councilor Heleker stated that he finds himself wanting to side with Councilor Mussell, but we need something to

keep people from skipping out on the water bills. After reviewing the new information he would like to gather more information, but we do need something so it does not fall back on everyone else. Councilor Nelson stated it would be interesting to find out what the percentage of previous write offs were renters vs. owners. Bert stated if we can make a rational basis it would fly. Councilor Williams stated that we don't have high paying jobs around here, and a lot of those people are renting. Councilor Mussell asked if it was legal to assess the homeowners the unpaid balance. Councilor Hanigan asked if we move to a 2<sup>nd</sup> reading, it would be interesting to see what is happening on our end of the valley, also 10 from statement date is a little short, she would like to see it moved to 20 days.

Williams moved and Heleker seconded a motion to move Ordinance 1295 to its second reading.

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

### **G. Approving a Lease of Airport Land to Byron Smith**

Hanigan moved and Williams seconded a motion to approve the airport lease for Byron Smith.

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

## **DEPARTMENTAL REPORTS**

Clerk Cordova stated she would like to commend the Administrative staff Bobbie Black, Tiffany Howell, and especially Jennifer Kelley for all their hard work on getting the new software up and running.

## **CITIZENS COMMENTS**

**Jeff Ward** would like to thank the Mayor on behalf of his mother for speaking at the TOPS convention here in Payette

**Councilor Hanigan** stated that Hanigan Chevrolet and Hanigan Motors have joined hands and will be moving to the Payette location until the building at exit 3 is finished.

## **MAYOR'S COMMENTS**

- ❑ 2007 Payette Fiscal Audit will be at the next City Council Meeting
- ❑ Next meeting will be June 16, 2008 at 7pm

## **ADJOURNMENT**

A motion was made by Councilor Heleker and seconded by Councilor Williams to adjourn.

After a unanimous voice vote, the motion CARRIED, and the Council adjourned at 8:00 PM.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
DOUGLAS E. HENDERSON, Mayor

ATTEST:

\_\_\_\_\_  
Mary Cordova, City Clerk