

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
October 3, 2006**

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

ROLL CALL

Members Present: Mayor Doug Henderson, Lee Nelson, Mark Heleker,
Jeff Williams, Georgia Hanigan, Vallery Klitch

Members Absent: Ivan Mussell

Also Present: Mary Cordova, City Clerk; Bert Osborn, City Attorney; Kellie McCombs, City
Treasurer; Mark Clark, Chief of Police; Jeff Sands, Fire Chief

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

APPROVAL OF MINUTES

A. 9/18/06 Regular Meeting Minutes

A motion was made by Heleker and seconded by Nelson to approve the regular meeting minutes of 9/18/06 as presented.

Hearing no objections, the meeting minutes were APPROVED.

APPROVAL OF BILLS & PAYROLL

A motion was made by Williams and seconded by Hanigan to approve the City Bills & Payroll in the amount of \$248,380.04

At the roll call:
Ayes: Nelson, Heleker, Williams,
Hanigan, Klitch
Nays:

The motion CARRIED.

COMMUNICATIONS

Gene Gray of 2393 Watts Lane, Payette, addressed the Council. He informed the Council that last year when the Tree City USA awards were handed out, two cities in the State of Idaho were not given the appropriate information or flags because they were somehow overlooked. Mr. Gray continued that we have now received our information and award, and with the Mayor's permission, he presented the Council with various collected items from a meeting he had attended. The Council & Mayor were presented with a canvas bag containing some bumper stickers, pencil, plastic mug, a corkscrew, and a bottle of liquid prepared by someone in the community.

Mr. Gray stated that this is the fifth year of seven years participating in the Tree City USA program that the City of Payette has received the growth award. The Growth award means that the City has gone above and beyond what we need to do in our parks and public areas by keeping the City green and healthy through planting trees. Mr. Gray then presented the City with the Tree City USA flag and a walnut plaque. A picture was taken with the Council and will be presented to the Arbor Day Association with next year's grant application.

Mr. Gray continued that we have applied to the State for a \$15,000 grant to be split between three parks in Payette. It amounts to about 15 new trees. There have been 25 requests to the State, but not all have applied for the full grant, so there is a good chance the City will receive the grant.

The Mayor stated that the City appreciates all of the work the Forestry Committee has been doing on behalf of the City.

SPECIAL ORDERS

No comments heard.

PLANNING & ZONING

Payette County Planning & Zoning Transfer of Development Right by Monica Filipponi, 10189 Payette Heights Road City Impact Area ~Request for Comments

Mr. Williams stated that his vision of impact area and growth is considering if the proposed dwelling will impact a future street. Williams stated that he did not see a street that would be impacted by this transfer, therefore the application did not alarm him. Hanigan concurred.

Councilor Hanigan moved to recommend to the County Planning & Zoning Commission the approval of the transfer of a development right by Monica Filipponi. The motion was seconded by Councilor Nelson.

In discussion, Councilor Klitch asked Mayor Henderson if the Planning and Zoning Commission send forth a recommendation. City Clerk Cordova noted that the Planning Commission did not have a quorum at their last meeting, however, they did hold a public hearing on this issue. They did consider the possibility of an easement for 16th Avenue. As they did not have a quorum, there was no official recommendation.

Councilor Klitch again stated her concern for consideration of public right of way.

At the roll call:

Ayes: Nelson

Nays:

No one else voiced a vote.

City Attorney Bert Osborn noted that the motion was made, voted on, and passed one to zero. He pointed out that if one does not vote, and does not abstain, the vote is automatically in favor.

Councilor Klitch moved to reconsider.

She noted that she did not have a problem with recommending approval of the transfer, she would just like to voice the concern of street easements in the letter which is sent forth for recommendation to the County.

Councilor Williams seconded the motion to reconsider.

Mayor Henderson asked for a voice vote:

Ayes: Unanimous

Nays: None heard

The motion to reconsider carried.

Councilor Klitch moved to submit a favorable recommendation, but within the letter, ask the County to watch out for the City's best interest in the right of ways and easements of future road development within the impact area. The motion was seconded by Councilor Williams.

After a unanimous voice vote, the motion
CARRIED.

UNFINISHED BUSINESS

None heard.

NEW BUSINESS

A. Ordinance 1270 – An Ordinance Repealing Chapter 6.08 of Title 6, Section 6.08.010 through 6.08.140 of the Payette Municipal Code, and Replacing it with a New Chapter in Title 6, which Shall be Designated as Chapter 6.08, section 6.08.010 through Section 6.08.110; Definitions; License Requirements; Fee Requirement; Kennel License; Police Authority; Prohibiting Disturbances; Requiring Inspections; Allowing Seizure of Non Compliant animals; Excepting Guard Dogs; Allowing the Keeping of Guard Dogs Under Defined Circumstances; Requiring Insurance; Requiring Identification Photos; Prohibiting Pit bulls; allowing

Exceptions to the Prohibition; Establishing financial Responsibility for dog Owners; Setting an Effective Date; Establishing Severability; Establishing a Repealer; Establishing a Penalty

Councilor Heleker moved to introduce Ordinance 1270 by title only. The motion was seconded by Councilor Klitch.

After a unanimous affirmative voice vote, city Attorney Osborn read Ordinance 1270 by title only.

In discussion, Councilor Heleker asked City Attorney Osborn to explain what the exceptions to the prohibition means in the ordinance. Is it saying that if someone new comes into the City, they will be subject to these regulations. Mr. Osborn, stated no, the exception is only allowed for those who currently have a pit bull in the City. If they meet the new insurance requirements, they will be allowed to keep the pit bull. But, there will be no new pit bulls allowed in the City.

Mayor Henderson stated we are assuming that no pit bull that isn't currently licensed exists in the City. Mr. Osborn stated that is correct.

Councilor Heleker noted that a new family moving to Payette, who has a pit bull as a family dog, and says it has never been a problem in a City before, we are saying they have to get rid of the dog before they move in. Mr. Osborn stated that is correct.

Councilor Hanigan asked if pit bulls would be allowed with proper kenneling and insurance. Mr. Osborn stated we do not want pit bulls in our City. They kill people. Mr. Osborn acknowledged that every incident of a pit bull injuring someone claims their dog is the friendliest pit bull in the world; and every time Mr. Osborn has to prosecute a vicious dog because it bites someone, the response is always the same, 'it never happened before'.

Councilor Klitch asked Mr. Osborn if this is the exact same ordinance the City of Fruitland already enforces. Mr. Osborn replied yes.

Councilor Klitch moved to suspend the rules and pass Ordinance 1270 on its first reading. Councilor Heleker seconded the motion.

After a unanimous affirmative voice vote, the motion CARRIED.

Councilor Klitch moved that Ordinance 1270 DO PASS. The motion was seconded by Councilor Heleker.

After a unanimous affirmative voice vote, the motion CARRIED.

B. Idaho Community Review – A Community Visitation and Assessment Program

Mayor Henderson informed the Council that the City has been asked if they wish to participate in a Community Review process. He has contacted the Idaho Rural Partnership requesting additional information, cost estimates, finished products, etc., but it has not yet arrived. Mayor Henderson does have a sample of the final product that came from the City of Weiser Community Review.

Councilor Williams stated that this topic was presented at the Economic Development meeting, and the only cost to the participating community is lodging and meals for the visitation team. Mayor Henderson added travel costs are also incurred. Councilor Williams wanted to know what exactly our costs are before we approve it; it doesn't seem cost prohibitive, but rather more time consuming. Mayor Henderson explained that by applying for this program, it will simply put us on the list, and would not happen until next spring or summer if we get on the list right now.

Councilor Klitch stated that the benefit to the community in conducting the review is pretty obvious in Payette. It is no big secret we need to do something about our fire department; the situation with the equipment and the house itself. We can make a choice on which items we want reviewed, i.e. recreation, tourism, or downtown. The program will create a team of professionals from outside of the area who come in with clean eyes and give their overall assessed opinion from the business perspective of 'can Payette support a retail store', 'do we really need a new fire department, and where it can be best located'. Councilor Klitch believed that she could see a benefit from their findings especially if we seek grants.

Councilor Heleker suggested that the team come in without specifics. Heleker stated that he liked the fresh eyes concept, but perhaps we don't want restrictions, and it may be better conducted without restrictions. Mayor Henderson stated that they should look at specific items, and the City should decide what those areas are. Councilor Williams stated that they assemble their teams based on the top three focus areas determined by the City.

Mayor Henderson informed the council of the website where all of the information on this program can be viewed: www.irp.idaho.gov, in addition to about a dozen end products for Cities around the state. Councilor Williams asked what our time frame as to whether or not we want to participate in this program. Mayor Henderson replied that the longer we wait, the longer it will be before it happens. Councilor Williams asked if this topic could be on the agenda for the first meeting in November for further discussion.

DEPARTMENTAL REPORTS

Written reports were presented to the Council.

MAYOR'S COMMENTS

Mayor Henderson informed the Council of the following:

- The Public Works Committee needs to meet to discuss some urgent issues.

- We have acquired the property discussed at the last meeting. Mayor Henderson thanked Councilor Williams for the work put into this endeavor with absolutely no compensation of any kind.
- We failed to have a quorum at the last Planning & Zoning Commission meeting, therefore there will be a special meeting tomorrow night at 6:00 PM.
- Yesterday, we attended the PNCWA Conference in Coeur d'Alene to witness Randy's operator of the year award. It was very enjoyable, and Randy was in a suit.
- We have talked extensively about the desire to focus on beautification ordinances, but there hasn't been any substance as far as input is concerned. Mayor Henderson asked if we want to have a work session on this topic, or is this something we do not need to focus on. Councilor Williams stated that these discussions all come around to our ordinances currently in place which need to be enforced. Mayor Henderson agreed to a certain point, but after speaking to the ordinance officer, there are definite issues and limitations when it comes to commercial ground as opposed to residential zoned areas. Every time they try to enforce any beautification, or any junk vehicles, we hit some snags because of the commercial zoning and not having tight enough ordinances in that area.

Councilor Williams stated that fences, height of weeds, licensed vehicles; if those types of issues were further enforced, that would go a long way to improving the appearance of some of our areas. Mayor Henderson replied our ordinances are strong to a certain degree, but apply to residential rather than commercial zoning. Mayor Henderson continued that our ordinances do not address other types of vehicles, and those are the areas we need to tighten up on. Mayor Henderson asked the Council if they would like to have something presented to them, or would they like to get together and work on something. Councilor Klitch replied that it is a great idea, and would like to meet an hour before a regularly scheduled meeting.

Councilor Klitch added that she notices that people often clean up their yard and leave the debris on the curb all year long. Mayor Henderson stated that we address that problem on the water bills. In addition, we begin fall clean-up on October 30, and we provide the Adopt-a-Truck program.

- This weekend is the first annual Bluegrass Festival in Payette.
- The next regular meeting will be held October 16, 2006.

ADJOURNMENT

A motion was made by Heleker and seconded by Klitch to adjourn.

After a unanimous voice vote, the Council adjourned at 7:42 PM.