

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
September 08, 2009**

7:00 Regular Meeting

A regular meeting of the Payette City Council was called to order at 7:10 PM by Mayor Henderson in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

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

Members Absent: None.

Also Present: Jeff Sands, Fire Chief; Doug Argo, City Engineer; Mary Cordova, City Coordinator/Clerk; Tiffany Howell, Utility Clerk; Dave Platt, Police Captain; Jamie Couch, Street Supervisor

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

APPROVAL OF MINUTES

Heleker moved and Mussell seconded a motion to approve the meeting minutes of 07/20/2009, 08/17/2009, and 08/24/2009 as written.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Hanigan and seconded by Cochran to approve the City Bills & Payroll in the amount of \$363,188.85.

At the roll call:

Ayes: Nelson, Cochran, Heleker, Hanigan, Williams, Mussell

Nays:

The motion CARRIED.

SPECIAL ORDERS

None Heard.

COMMUNICATIONS

None Heard.

PLANNING & ZONING

No comments heard.

OLD BUSINESS

None Heard.

NEW BUSINESS

A. Rose Advocates – Update to Council on Building Progress

Delores Larson – Weiser, ID

Mrs. Larson stated that her reason for being here tonight is to update all of you as to what is happening with Rose Advocates and the Maple Tree House property. First of all, I would like to say that we are a very lucky agency. I have been on the Board of Idaho Coalition against Domestic and Sexual Violence for close to 11 years and I have served as president for 6 of those years and we have worked with agencies throughout the State of Idaho and I hear stories of the support they do or do not receive from their communities. I have never ever had to tell a sad story from any of my communities, and so first and foremost I would like to thank you for all the support you do give us. Financial support is a very important part of what keeps us going, but even far beyond that it is the support of the people in our communities.

We still cannot get our shelter built because the funds are not there. We were in high hopes because there is so much stimulus monies out there, but unfortunately they do not think our project is worth their monies. We applied for a neighborhood stabilization program because they want to find homes for the homeless. We wrote the application and we were in high hopes because they have special funding for construction. We talked to some of the head people and told them what our program was about they told us to write a grant and send it in. Well they did not think we fit because we are not permanent housing, and they want to find permanent housing for people at a reasonable cost to lower income people. I beg to differ, we are a shelter and we are homes for the homeless, it is not a rental house, but it is shelter. Well over 85% of women and children that are homeless, are homeless because of domestic violence. We are not going to quit; we are going to try and re-write this grant and if we have to provide permanent housing for a while we will. It is going to be a very difficult way to go about it, because our goal is for them to become self sufficient, build their self esteem and become members of society.

We really want to thank Mary, because Mary is very good about helping us. She is very good about emailing us any type of grant opportunity that she thinks might help. Thank you Mary! We need to have \$450,000 to build this shelter and we have \$200,000 in the bank and we think we could build it for \$650,000. So what our strategy is, is to start writing to these to foundations for \$100,000 each and hopefully we will be able to collect our money quicker that way. Keep us in mind if you hear of any possibilities to gain money. There is a block grant that we are going to be applying for as well. I'm here to say thank you and we appreciate your support and want to continue having your support and thank you!

B. Nancy Sobers – Nuisance Shed

Nancy & Aaron Sobers – 2855 Center Ave; Payette, ID 83661

Mrs. Sobers stated that she has been here before and about the same thing. I understand that Mr. Lancaster says that he is going to be storing hay in this shed. If you can look at the pictures you would see that you cannot even put a bale of hay in there. If he is going to use it

he needs to show some intent, there is nothing but weeds in there, and he got up here and said that he cleaned all these weeds. He has not. If I wanted to run for your office I would have to do something to prove my intent, so why doesn't he. Mayor Henderson stated that he knows that Mr. Lancaster has done quite a bit cleaning up. Mrs. Sobers stated that yes, he has, but he has not on this. Unfortunately much of the area that he has plowed has re-seeded and is starting to grow again. My point is that we have had to spend money ourselves to have the weed abatement come out for the last two years to keep the weeds down, and it is going to happen again. What I would like you to know is that these are his tumbleweeds. I keep mine down. The neighbors and I have decided that if we go through this again, we are going to hand deliver these, and as you can see these are his property.

Mrs. Sobers stated that she wants some answers. Mayor Henderson asked what answers she is looking for. Mrs. Sobers asked if this is not a nuisance and do you buy that this is going to be used for hay? Mayor Henderson stated that all I can tell you is that Mr. Lancaster has told us that he is going to remodel it and use it as a hay barn. Mrs. Sobers asked if there was a time limit. Mayor Henderson stated that we will keep tabs on that and see if he actually follows through with that, but we cannot stop him from improving the hay barn structure any more than we could stop you. Mrs. Sobers stated that I would love to have him improve it; I just want some idea of when. Mayor Henderson stated that we will follow up with Mr. Lancaster. Mrs. Sobers stated that this has been a bone of contention for a couple of years now and I want to see it cleaned. Mayor Henderson stated that he has been up there to look at it a couple of times recently and I did not see anything that looked like tumbleweeds. Mrs. Sobers stated that she took them to the weed abatement and they identified them, and there are also Russian thistles. Mayor Henderson asked if they are sure they are from Mr. Lancaster's property. Mrs. Sobers stated yes, the area he plowed around us is all green, but they are 2 to 3 foot tall. Mayor Henderson stated that we got the information today and will make contact with Mr. Lancaster. He has mowed in the past and that is just typical with weeds that they will grow back. Mrs. Sobers asked if the city is going to stay on top of this shed and is something going to be done. Mayor Henderson stated that yes we will follow up on it. Mrs. Sobers asked if there is a timeline that she could count on. Mayor Henderson stated not until we speak with Mr. Lancaster.

Mayor Henderson stated that there needs to be a little bit of understanding here. Mrs. Sobers stated that we have had 2 years of understanding. Mayor Henderson stated that Mr. Lancaster has done work there and has cleaned the property up. He bought this property with the intent of developing it and would love to be developing it right now and it's no fault of his or ours. Mrs. Sobers stated that she understood that but there are other ways of getting rid of the weeds not just sit back and wait for people to complain. Mayor Henderson stated that he has done some work out there and we will stay on him and see what we can do to improve the situation.

Councilor Cochran asked if the horses have done any good and if they are still there. Mrs. Sobers stated that they did help, but they should have been there earlier when there was something to eat. All they did was trample the weeds down because they were too high and un-edible. Councilor Cochran asked if they are still there. Mrs. Sobers stated no. Mr. Sobers stated that right now what you see is stubble from the tumble weeds that are left. They did eat a lot of the field which helped quite a bit. In and around the area that the horses were at looks great, the parts that he mowed looks great. These areas are the areas that he disked that he was so proud of that have re-seeded. I took these pictures from the street, my house, and my neighbor's house, and as you can see there is a car that has been there for less than a year and look at how tall the weeds are around the car. Mayor Henderson stated that we will address it and I understand that some of it has gotten back out of control. Mayor

Henderson stated that I drove up by there today and looked at it and you have to admit that property across the street from you is much worse. Mr. & Mrs. Sobers stated that it is not, that is native grass. Mayor Henderson stated that is neither here nor there.

Mr. Sobers stated that he would like to make a few comments about the shed. Personally I think this has become a thing between him and me. What he is doing with the shed is nothing. Two years ago he tore down the old house, and they started to tear down the shed too and they took sides off to get the stuff out of it. In the pictures you will see a trailer that is my trailer to show how close it is to my property. You can see the garbage that is in there, and he told me himself that he was going to tear it down. I called him myself trying to be nice and he told me he was going to look into it. After the last meeting he told me he had talked to the Fire Chief and he was going to pull it to the bottom of the hill and burn it. Well if you pull it to the bottom of the hill it's going to fall down. The wind blows hard out there and now when it starts blowing you can see the tin coming off the roof and the nails pulling, so now it's a hazard. The roof is starting to sag and two year ago it was not sagging. I don't care if a guy wants a storage shed if he cleans it up and puts sides on it so it's contained. I want it cleaned up so it's not a nuisance with the cats. We get coyotes out there and there are weeds that are bent down now because of the coyotes out there chasing the cats. If he fixes the shed up I don't care, he can leave it there, but I either what it fixed up or gone. Mayor Henderson stated that we will speak with Mr. Lancaster and see what he has to say on it.

C. Julie Krygsman, Ghetto Red Skateboard – Fundraiser for Skate Park

Julie Krygsman – 5805 Custer Rd; New Plymouth, ID 83655

Mrs. Krygsman stated that she and her husband have been fixing the skate park up. We would like to have something that is more exciting for the kids to feel more appreciative about their park. What we would like to do is have a skateboard competition fundraiser. The only problem is, is that it costs \$500 to attach insurance to my business. Of course I would do anything for this, but if I had \$500 to pay for insurance I would put \$500 towards the skate park. So the whole point is to have a fundraiser for the kids. The park is an "at your own risk" park it is very clear, so if anything happens it's the parents responsibility. I know this all too well because my kid fell from the half pipe, so I know the responsibility as a parent. I am here asking that you waive the liability insurance and waive the fees so we can have the fundraiser. I have everything else that I need other than this, and we are hoping to raise \$500 to \$900.

Clerk Cordova stated that when we have something like this in the park we always require them to provide insurance like this. We are always going to be covered, but the fundraising group will not. It does not mean we will be assuming the liability of the fundraising group. What we would do is have the fundraising group sign a release of liability. Mrs. Krygsman stated that is what you have in front of you. Clerk Cordova stated that the group would have to sign a separate liability waiver, and the skater would sign that with you. Mrs. Krygsman stated that the Farmer's Market raised \$300 for the park. Councilor Hanigan asked what the date was. Mrs. Krygsman stated that it is October 10th from 10 am to 6 pm. I am going to contact the paramedics and see if they would be able to be there. I actually dropped the idea, but the kids have been coming to me to see if there is going to be one. Mayor Henderson stated that what we need from the council is approval of the event going forward. Councilor Williams stated that you probably want to have the liability form reviewed by your attorney to cover yourself. Mrs. Krygsman stated that she will follow up on that. Mayor Henderson stated that he would like to thank Mrs. Krygsman for all the work she has done. Councilor Heleker stated that 10 years ago when they built the skate park there was a strong group of skaters

and volunteers that said if we built this they will take care of it. For a few years things were pretty good and then that went away. So it was always set up that we would build it and volunteers would have to help keep it going and in good condition. Mrs. Krygsman stated that they are going to try and go for a \$25,000 grant through the Tony Hawk foundation. We are hoping to raise another \$5,000 to add to the grant to build a cement skate park, which is extremely low maintenance.

A motion was made by Williams and seconded by Heleker to authorize us to sign a liability waiver with Pay-ette forward for a skate competition on October 10, 2009.

After an affirmative voice vote, the motion
CARRIED.

D. Special Event Permit Application – Woodgrain Annual Picnic

A motion was made by Mussell and seconded by Nelson to approve the Special Event Permit Application for Woodgrain Millwork.

After an affirmative voice vote, the motion
CARRIED.

E. Resolution 2009-06 - A Resolution of the City of Payette, Idaho, Setting and Confirming the Posted Speed Limit of 25 MPH on the Highway 95 Business Spur from 3rd Avenue North to 6th Avenue South

Councilor Nelson stated that he noticed driving in that it is from 6th Avenue South to 3rd Avenue North instead of 3rd Avenue South. Clerk Cordova stated that was a typo on her end it should be 3rd Avenue South. Councilor Williams stated that there are times that I feel this is appropriate and times I don't feel the need for it. Mayor Henderson stated that we have discussed that last time we went through this. There are a lot of kids crossing there by Albertson's that you cannot see until you are right there. I think it is a good thing to have in the park area. Councilor Williams asked what the restrictions would be if it was time sensitive. Mayor Henderson stated that ITD was open to this, but per our discussion last time we thought that from a liability standpoint it would be good to have it just from time to time. Councilor Cochran stated that he keeps going back to what Chief Clark stated that we have had more pedestrian vehicle accidents than anywhere in town, and that makes me feel that we have made a good decision.

Councilor Heleker asked if we have statistics from before we changed the speed limit to what it is currently at. Chief Clark stated that since we have changed the speed limit there, we have not had an accident since. Before we changed the speed limit we were having them every 30 days. I can get numbers, and I will, but I cannot remember an accident since we have changed it.

A motion was made by Heleker and seconded by Williams to approve Resolution 2009-06.

After an affirmative voice vote, the motion
CARRIED.

F. Resolution 2009-07 – A Resolution of the City of Payette, Idaho, Authorizing The Issuance of a Bond Anticipation Note Pending the Issuance of the City’s Sewer Revenue Bond, Series 2010; Providing a Form of the Bond Anticipation Note, Providing for the Payment of the Principal Thereof and the Interest Thereon; Providing Terms, Covenants, and Other Related Matters; Providing an Effective Date

Councilor Williams stated that last meeting Clerk Cordova stated that the bids came in extremely lower than what she was anticipating, so how does that play into this. Clerk Cordova stated that this is up to what we thought it would be, but they did come in substantially lower.

A motion was made by Mussell and seconded by Hanigan to approve Resolution 2009-07

After an affirmative voice vote, the motion
CARRIED.

G. 2009 Water & Sewer Write Offs & Assessments

Councilor Nelson asked Clerk Cordova that these are a lot higher than the assessments, does that mean that they have not paid the bill all year, and can we shut off water, and sewer. Clerk Cordova stated that we can only shut off the water. There are not many places in town that are like this; basically it is just the Decker Drive area.

A motion was made by Nelson and seconded by Heleker to approve the Utility Account write-offs & assessments as written.

After an affirmative voice vote, the motion
CARRIED.

H. Award of Clarifier #3 Bid to JC Constructors

A motion was made by Heleker and seconded by Mussell to award the clarifier #3 bid to JC Constructors in the amount of \$935,400.

After an affirmative voice vote, the motion
CARRIED.

I. Payette Urban Renewal Agency Annual Appropriation Resolution

Councilor Heleker stated that on August 27th we had a public hearing, and at this point it is still early in the game. The public isn’t too excited because they don’t know what’s going on down there. When we look at our budget this year we have our revenue at \$110,047 and last year we had under \$100,000, so things are moving in the right way. We are required to pass

an annual appropriation resolution and send it to the City Council. Councilor Nelson asked Councilor Heleker if the \$110,000 property tax revenue, on the urban renewal is that an incremental amount above what the base was on whatever time we start. Councilor Heleker stated yes.

J. Ordinance 1307 – An Ordinance Entitled Annual Appropriation for the Twelve Month Period from the First Day of October 2009 to and Inclusive of the Thirtieth Day of September 2010; Appropriating Eight Million, Three Hundred Eighty-Five Thousand, Seven Hundred Fifty-Nine Dollars (\$8,385,759) to Pay the Expenses of the City of Payette, Payette County, Idaho, and Specifying the Object and Purposes for Which Said Appropriation is Made.

A motion was made by Mussell and seconded by Cochran to introduce Ordinance 1307 by title only.

After an affirmative voice vote, the motion
CARRIED.

Councilor Williams asked Clerk Cordova that at the last meeting we had some discussion on the percent of reserves left in the budget and you were going to get back to us. Clerk Cordova stated that she did find that out, but she left it on her desk. I can tell you that after our last discussion, the Council determined to split the difference so the levy rate is not so low and take less out of our unencumbered funds. That is what this is showing. This has got \$2,279,036 in tax money and that puts our levy rate at .009753, so it still is lower than last year. We will also be using \$20,000 less out of our unencumbered funds. So that was split a little more on the tax side. If we were to use everything this year and the whole \$60,000 next year, we would probably be about 13%.

Councilor Cochran stated that we are about 2 ½ weeks away from the end of the year and Councilor Mussell had made a point that we always seem to roll a little bit over. Do we know what we are getting, what is the crystal ball saying? Clerk Cordova stated that the crystal ball is saying that we held the reins very tight this year, because we didn't know where we would be with revenue sharing. As you know it came in significantly lower than what we had originally budgeted for. Not only State revenue, but all revenue except liquor, liquor was up. We did have payment back for the urban renewal district, and I don't think we will have to dip that much into our unencumbered funds; I'm hoping that we will have some roll over, yes. If you want to know how much, I cannot tell you how much, but I anticipate some. Councilor Mussell stated that we always sweat it and it always rolls over more than what we anticipate. Clerk Cordova stated that we have been very, very conservative this year. Ideally you would like to see no use of your unencumbered funds. We budgeted \$281,000 we actually budgeted \$681,000 and have already transferred \$400,000 into capital, but \$281,000 is a lot of money. In comparison to this year we only have \$62,000 in there to balance our budget, and of course we have some big projects, but not a lot.

Councilor Williams stated that at last meeting you projected .9753 levy rates that a \$100,000 house would see a \$12 reduction in property taxes. Going half way are you seeing \$6 reduction. Clerk Cordova stated that a \$100,000 house and we had a .9772 that's \$977.20 and right now it's sitting at \$975.36. It is less a couple dollars, but on a \$100,000 house that is what it would be.

Councilor Williams stated that for the record you did add that 1% pay increase. Clerk Cordova stated that there is a 1% cost of living increase.

A motion was made by Hanigan and seconded by Cochran to suspend the rules and pass Ordinance 1307 on its first reading.

After an affirmative voice vote, the motion CARRIED.

A motion was made by Williams and seconded by Heleker that Ordinance 1307 do pass.

After an affirmative voice vote, the motion CARRIED.

K. Resolution 2009-08 – A Resolution by the Mayor and City Council of the City of Payette, Payette County, Idaho, Entering into and Agreement with the Local Highway Technical Assistance Council, (LHTAC), for the Center Avenue Overlay Project

A motion was made by Heleker and seconded by Mussell to approve Resolution 2009-08.

After an affirmative voice vote, the motion CARRIED.

DEPARTMENTAL REPORTS

- A. Payette Fire Department Monthly Activity Report, August 2009
- B. Engineers Report
- C. Payette Police Department Monthly Statistics, July/August 2009

Police Chief Mark Clark stated that he wanted to touch base regarding the Lancaster complaint. We got the letter several months ago from Mr. Sobers about his complaints. I talked to Mr. Lancaster last week and explained to him that we had a complaint again about his shed, and I did go into the code that it was 33% degraded and he needed to make some improvements on it within 6 months. He indicated to me that he will be fixing it up to use it as a shed for hay, so that is what I am going off of. He also indicated to me that he feels as if the Sobers are using the code to get back at him, for getting annexed into the city. So as we are working on this I kind of keep that in mind. They sat up here tonight and kind of indicated that. I do see the weed problem and I will address that with him tonight and I'm sure he will be taking care of that. It is a unique situation and it is hard to keep in compliance with an 8" weed ordinance.

Clerk Cordova stated that she heard from our pool manager that she had the highest two months in a very, very long time. June wasn't so good, but July and August were outstanding. They are doing a great job. Councilor Williams asked if that had something to do with the economy. Clerk Cordova stated that might have something to do with it.

CITIZENS COMMENTS

Councilor Cochran stated that he had a local business man stop by his house today and said that he is getting good response when working with the City. He stated that the Street Supervisor stopped by

and told him that if he had any problems to call him and gave him his card. I just wanted to pass that along and give him some kudos.

Councilor Williams stated that Jim Smith put out the latest unemployment numbers and they are not so exciting.

MAYOR'S COMMENTS

- He was told that last Friday was the best day that the Maverick has ever had since it opened.
- This weekend is the annual Cruise Night Event, so have a safe and fun time.
- The deadline to file for candidacy was last Friday. Our incumbent council is running unopposed, and Councilor Williams and I will be running for Mayor.
- Our next meeting is Monday, September 21, 2009 at 7PM.

EXECUTIVE SESSION

A motion was made by Heleker and seconded by Mussell to recess to executive session pursuant to Idaho Code, Section 67-2345, subsection (1)(b) to hear employee issues at 7:57 PM.

The motion CARRIED.

A motion was made by Heleker and seconded by Mussell to reconvene into regular session at 8:02 PM.

The motion CARRIED.

ADJOURNMENT

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

After a unanimous voice vote, the motion CARRIED, and the Council adjourned at 8:05 PM.

Signed this _____ day of _____, 2009.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk