

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
November 6, 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, Ivan Mussell, Mark Heleker,
Jeff Williams, Georgia Hanigan, Vallery Klitch

Members Absent: Lee Nelson was excused

Also Present: Mary Cordova, City Clerk; Kellie McCombs, City Treasurer; Mark Clark, Chief of
Police; Doug Argo, City Engineer; Jeff Sands, Fire Chief; Randy Schwartz,
Wastewater Superintendent; Wayne Shaffer, Street Superintendent

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

APPROVAL OF MINUTES

A. 10/16/06 Regular Meeting Minutes

A motion was made by Klitch and seconded by Heleker to approve the regular meeting minutes of 10/16/06 as presented.

Some spelling & grammatical errors were noted.

Hearing no objections, the meeting minutes were APPROVED.

APPROVAL OF BILLS & PAYROLL

A motion was made by Hanigan and seconded by Williams to approve the City Bills & Payroll in the amount of \$217,318.83

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

The motion CARRIED.

COMMUNICATIONS

A. Ralph Barker - Payette Church of the Nazarene

Mr. Ralph Barker, 900 NW 24th St., Fruitland, Pastor of the Payette Church of the Nazarene, informed the Council that they are in the process of constructing a new church on 7th Avenue North.

They are in need of a building permit which will cost them about \$5,000. He asked if the City would be interested in waiving the building permit fee. Mr. Barker continued that the church is in the process of helping people in our community and holding classes for alcoholics and drug addicts. Last Wednesday night, the church held activities for teens in the community, and many showed up. He asked that the Council provide him with an answer of yes or no tonight.

Mayor Henderson stated that if the Council decides to grant this request, we will be setting a precedent. If we do this for one church, we will do it for all churches.

Councilor Klitch asked if the building permit is separate from water and sewer hook up fees. What is the purpose of the building permit? Where do we arrive at the \$5,000 mark? City Attorney Bert Osborn replied that there is a schedule in the building code based on material costs.

Councilor Mussell stated that he realized we are setting a precedent, but it is a good precedent as far as helping non-profit groups, and he would not personally have a problem waiving it.

Councilor Williams asked what the capital cost of the building is. Mr. Barker replied that it is over a million dollars including the land. Councilor Williams asked Fire Chief Jeff Sands if recalled any exception like this. Chief Sands stated that the building permit fee was waived for McCain Middle School. Councilor Williams asked Chief Sands what the approximate costs would be for inspections on this project. Chief Sands replied that the state will review the sprinkler plans, and we will review the alarm plans. Mayor Henderson asked Chief Sands if there is a state required inspection, and we waive the building permit fees, will we have to pay for the inspections. Chief Sands stated there are no charges from the state for review which we will have to incur.

Councilor Klitch stated that based in the information presented, she did not believe we are setting a precedent. If another church wants to come forward and build another million dollar facility to serve this community, she believed the City would support it also.

Councilor Klitch moved that the City waive the building permit fee for the Nazarene Church in the amount of \$5,000 dollars. The motion was seconded by Councilor Mussell.

After a unanimous voice vote, the motion CARRIED.

SPECIAL ORDERS

A. Bruce Drewes of T2 Center ~ Presentation of Roads Scholar to Wayne Schaeffer

Mr. Bruce Drewes, 333 North Front Street, Boise, Idaho, of the Idaho Technology Transfer Center explained that his business works with the local jurisdictions by providing training opportunities and new technology. They are the clearinghouse for information as to how you maintain your roads, how to fix them and how to prevent deterioration.

For people who have completed their training program, T2 offer awards. The Roads Scholars Program is a basic program which recognizes individuals who have gone through six core courses, ranging in information from CPR, to flaggers operations, work zone traffic control, how to maintain asphalt and pavements, maintenance of gravel roads, and maintenance of drainage. They also have two electives of heavy equipment classes. Roads Masters is the next program which deals with more of the supervisory skills.

Wayne Schaeffer has completed the initial program, and in recognition of that, Mr. Drewes presented Mr. Schaeffer with a certificate, a Leatherman, and a hat.

PLANNING & ZONING

A. Bob & Tonya Daugherty ~ Variance from Payette Municipal Code 17.24.040 (d) 75' of frontage on a public street

Councilor Klitch noted that the Planning & Zoning Commission recommended pavement from the road back to thirty feet. Councilor Williams stated that the Council has seen a lot of variance requests come before them, and he believes that a variance should be granted because unique features of the lay of the land. This situation is a classic example.

Councilor Williams made a motion to approve the variance of 75' of road frontage and include the recommendations of the Planning & Zoning Commission to pave the first 30' of the approach and to exempt the landscaping requirements. Councilor Heleker seconded the motion.

The motion CARRIED with a unanimous voice vote.

B. Tumbleweed Development Group, LLC., ~ Preliminary Plat Application

Councilor Heleker moved to approve the preliminary plat application for Tumbleweed Development Group. The motion was seconded by Councilor Mussell.

After a unanimous voice vote, the motion
CARRIED.

**C. Sharon Carrell ~ Variance to Payette Municipal Code section 17. 24.040
(e) Accessory Buildings, to construct a pole barn for vehicle
storage**

Councilor Klitch asked how this fits into the scheme of the local homes.

Councilor Klitch made a motion to continue this agenda
item to the next Council meeting. The motion was
seconded by Councilor Hanigan.

After a unanimous voice vote, the motion CARRIED.

UNFINISHED BUSINESS

None heard.

NEW BUSINESS

**A. Application for Mobile Food Service Vendor
~Maria L. Pinedo – Tacos of California**

Denise Garcia, 1661 North Grand Pine, Nampa, spoke on behalf of her mother, Maria Pinedo. They currently own a business in Payette, California Dancing, and would like permission to open a mobile 'taco truck'. They want to park it on the street, on First Avenue North, next to the sidewalk. Mayor Henderson clarified that people who go up to the truck will actually be standing in the street. Ms. Garcia replied yes, they would actually be on the sidewalk.

The taco truck is not going to have any tables outside. Their hours of operation will be only on Friday, Saturday and Sunday until they got enough employees that want to work. They would probably open around 1 PM, and close around 10 PM. On Saturdays they would close around 2AM.

Councilor Klitch asked that if the vendor is parked on the street, who would be liable. City Attorney Osborn stated if we issued a license for someone to operate in the street, and someone got hurt, the City would be liable because it is our street.

Fire Chief Sands stated that he spoke with some people today who are looking in to opening a restaurant at the corner of 1st & Main. There are a couple of things to bear in mind. That particular area is a parking nightmare. There are not enough available parking spaces to accommodate existing activity in that area. There will be even less spaces if a mobile vendor is parked there.

Police Chief Clark stated that he would like some feedback from Del Christian who calls in often about issues in that area.

Councilor Williams asked Ms. Garcia if they could set up a kitchen in their building. Ms. Garcia replied that they have tried, but the building is too small. Chief Sands stated there will be no kitchens in that building unless they meet fire code.

Councilor Mussell asked Ms. Pinedo if they had considered renting the Mandarin restaurant to expand her business. Ms. Pinedo replied they had tried, but have not been able to work out a deal with the owner.

Councilor Klitch asked Chief Sands about people who inquired about locating in that building. Chief Sands replied that the kitchen was removed from the building, and a new one will have to meet code, so it will not happen in the immediate future, but he got the impression that they would move forward with opening it back up.

Councilor Klitch asked Ms. Garcia if they had permission to be in the parking lot. Ms. Garcia replied no. Councilor Klitch noted that a mobile food vendor permit is only good for three months, and if someone were to buy that that restaurant, it would take longer than three months to renovate it.

City Clerk Cordova stated that the property owner had given permission to operate the truck in the parking lot, but after speaking with her after the Council packets went out, she is in negotiations with a potential buyer, and she no longer gives her permission to operate in the parking lot.

Councilor Heleker stated that it seems we are premature as we do not know who owns the parking lot, and he echoed Chief Sand's concern that it is too tight of quarters right now as it is. He could not see a new owner liking the idea of someone taking up space in their parking lot, nor does he want the liability of it being in the street. Councilor Heleker loved the idea of a new business, and would like to see them open up somewhere downtown, but that does not seem to be the appropriate place to fit the trailer in.

Councilor Williams moved to table this request until a more appropriate spot is found. The motion was seconded by Councilor Klitch.

After a unanimous voice vote, the motion CARRIED.

B. Resolution 2006-07 ~ Adopting a Records Retention Schedule

A motion was made by Councilor Klitch and seconded by Councilor Heleker to approve Resolution 2006-07.

In discussion, Councilor Williams stated that it seems like overkill to have payroll records for 75 years. Councilor Williams asked where did the time frames come from. Treasurer McCombs replied that this schedule was originally drafted by AICOUNCILOR

Councilor Williams also noted that the schedule calls for the retention of legal opinions. He noted that the Council has received legal opinions outside of Council meetings. Are we abiding by this schedule? City Attorney Osborn noted that he is fine with the schedule.

After a unanimous voice vote, the motion CARRIED.

DEPARTMENTAL REPORTS

Written reports were presented to the Council.

Mayor Henderson asked if there were any additional departmental reports in addition to the written reports.

City Clerk Cordova stated that a neighborhood meeting was held on the 7th Avenue North project, which the Mayor will elaborate on. Warrington Construction is doing the last two tie ins today and tomorrow. The pavers will be on the site Wednesday, and should be wrapped up with the paving by Friday pending any rainy weather.

Cordova continued that she attended a meeting of the Payette Beautification Committee. The City donated around \$226 for 1,000 daffodil bulbs which were planted this past Saturday at the new sign at the "Y". Committee estimates there is still about \$3,000 worth of work to complete the project.

Notice for the public hearing regarding the proposed increase in sewer rates was published in the paper and on the water/sewer bills. The office has been fielding many calls to citizens asking the amount of the increase. An informational flyer will be provided for distribution to the public.

Councilor Williams asked Treasurer McCombs if this is how it is done every quarter. McCombs replied yes. Williams explained that in looking at this report as a regular citizen, and seeing that the receipts were less than expenditures; I would say what are those Council members doing? Why do we not include the use of unencumbered funds on the receipts side? McCombs replied that we don't receive them. We receive them over the course of the year. Councilor Williams says the report looks like we are spending more than we are making, and he believes we should state that unencumbered funds are included. Mayor Henderson stated that there are some that would argue that we are spending more than we are making.

Treasurer McCombs stated that we could put an additional statement in the report. Councilor Williams added that he believes it is a little bit misleading that if we don't tell the public what we are doing, we set ourselves up for huge questions about why we are spending more than what we are making. McCombs Councilor Williams if he would like to see a statement or numbers. Williams replied he would like to see numbers.

MAYOR'S COMMENTS

Mayor Henderson informed the Council of the following:

- Presented the Council with a letter from Toothman-Orton stating that because of a funding shortfall , we are instructing our negotiator, Larry Rincover to not address properties, as far as negotiating for right-of-way, on the east side of the intersection of Highway 95 and 7th Avenue North. What has happened is this project has drug on for years, and what it was originally funded for and with the rising costs of construction, we have slowly came back farther and farther. We would still like to be able to complete 7th Avenue North clear to Iowa, but at this point it looks like it will be done with other funding sources.

Councilor Klitch stated that a month ago she inquired about sending a letter to LHTAC asking to have an increase of our right of way budget.

City Engineer Doug Argo stated that regarding additional funding for right of-way, Jerry Flatz of LHTAC had rounded up some additional funding and applied it to the ROW. That was subsequently pulled by the transportation board and swept to another project. He is still looking for additional funding; there is a slim chance and we may be able to get a little more funding on the 13th of this month. But it is a slim chance.

Councilor Klitch asked if we do not get that funding, have we made arrangements to see if the federal government will allow us to use it for part of our match. Klitch explained that Jerry Flatz suggested that if there is no additional funding at all, that we be allowed to use the difference in what was originally budgeted as part of our match. Mayor Henderson stated that if we come up with additional funding to complete the project, there are advantages not to do it as a federal project, and do it as our own project.

Councilor Klitch restated that procuring of the ROW is part of the project, the monies that we spend in excess of what was originally budgeted in the federal funds, Jerry Flatz explained that we could beg to have that used as part of our match the federal funds. Argo stated we will likely have to spend additional funds to get the ROW to 95, and that would greatly exceed our match, but we could petition to have that done.

Councilor Williams asked Treasurer McCombs what was placed in the budget for the project. McCombs stated about \$440,000. Part of that was match, ROW, and engineering fees. What the Mayor is saying is that we need to get creative so we can still do this project. Williams continued that maybe the County would want to participate.

- Last Monday night we had a neighborhood meeting with the residents affected by the current water and sewer replacement project on 7th Avenue North. It was a good exchange of information. Councilor Williams was also there. It was appreciated by all who attended.
- Last week the audit was completed by Gibbon, Scott and Dean. The preliminary summary was very favorable, and we should receive an official audit report by March 2007.

EXECUTIVE SESSION

A motion was made by Williams and seconded by Klitch to recess into executive session in accordance with Idaho Code 67-2345(1)(c) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency, and 67-2345(1)(f) to consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation.

After a unanimous affirmative voice vote, the Council recessed at 7:52 PM.

A motion was made by Councilor Williams and seconded by Councilor Heleker to reconvene into regular session.

After a unanimous affirmative voice vote, the Council reconvened at 8:27 PM.

ADJOURNMENT

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

After a unanimous affirmative voice vote, the Council adjourned at 8:31 PM.

Signed this _____ day of _____, 2006.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk