

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
May 21, 2007**

6:45 PM ~ Public Hearing

~Variance Request by Ed Franek, 835 N. 9th Street, to the property setback requirements, Payette Municipal Code section 17.24.040 (e) Accessory Buildings & setbacks, for the construction of an addition to an existing garage/shop.

Mr. Franek explained to the Council his plans to construct an addition to his existing shop. No other comments were heard.

7:00 Regular Meeting

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, Lee Nelson, Jeff Williams, Georgia Hanigan, Vallery Klitch, Mark Heleker

Members Absent: None.

Also Present: Mary Cordova, City Clerk; Jeff Sands, Fire Chief; Kellie McCombs, City Treasurer; Street Superintendent Willie Hollis; Police Captain Dave Platt; City Attorney Bert Osborn; Police Chief Mark Clark; City Engineer, Doug Argo;

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

APPROVAL OF MINUTES

A. 5/07/07 Regular Meeting Minutes & Public Hearing

A motion was made by Heleker and seconded by Mussell to approve the regular meeting minutes of 5/07/07.

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 \$395,695.67

After a unanimous voice vote, the motion CARRIED.

COMMUNICATIONS

No comments heard.

SPECIAL ORDERS

None heard.

PLANNING & ZONING

None heard.

UNFINISHED BUSINESS

None heard.

NEW BUSINESS

A. Variance request by Ed Franek

A motion was made by Nelson and seconded by Mussell to approve the variance request by Ed Franek.

After a unanimous voice vote, the motion CARRIED.

B. ORDINANCE NO. 1279 AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADOPTING A NEW TITLE 18 AND NEW CHAPTER 18.01 OF THE PAYETTE MUNICIPAL CODE ENTITLED ANNEXATION PROCEDURES PROVIDING FOR AN APPLICATION AND REVIEW PROCESS FOR ANNEXATIONS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

~FIRST READING

A motion was made by Mussell and seconded by Hanigan to introduce Ordinance 1279 by title only.

After a unanimous voice vote, City Attorney Bert Osborne read Ordinance 1279 by title only.

Mayor Henderson stated this is a modified version as was previously presented. Councilor Williams stated that he has mixed emotions about this. Williams believed that the Council and everyone want to encourage growth, but felt that the revised version was still too restrictive and not friendly. Williams pointed out several points in the proposed ordinance he would like to see changed. Discussion followed.

A motion was made by Williams and seconded by Mussell to move Ordinance 1279 to its second reading at the next regular meeting of the Council.

After an affirmative voice vote, the motion
CARRIED.

C. ORDINANCE 1278 AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 6.08.040, OF THE PAYETTE MUNICIPAL CODE TO PLACE RESTRICTIONS ON KENNELS WITHIN THE CITY LIMITS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY.

A motion was made by Mussell and seconded by Hanigan to introduce Ordinance 1278 by title only.

After a unanimous voice vote, City Attorney Bert Osborne read Ordinance 1278 by title only.

Mayor Henderson stated that the Ordinance Officer has been running into situations where city residents are keeping more than 3 dogs at their place of residence. The people respond that they will just go and get a kennel license from the City in order to keep more dogs.

Councilor Williams asked if someone wants to have an in home business, and they raise dogs, do we want to take away their rights. There should be a process. If they legitimately want dogs, they should have that right. To say that we are hampering property rights. That is something we do in a lot of areas.

Kellie McCombs stated the City has never allowed more than 3 dogs within City limits, and kennel licenses were not an option. The kennel option just came up when we recently revised our code for vicious dogs. More discussion followed. Staff was instructed to come up with another version.

A motion was made by Williams and seconded by Nelson to move Ordinance 1278 to its second reading at the next regular meeting of the Council.

After an affirmative voice vote, the motion
CARRIED.

DEPARTMENTAL REPORTS

Written reports were presented to the Council.

CITIZENS COMMENTS

None heard.

MAYOR'S COMMENTS

Mayor Henderson informed the Council of the following:

- The fire department will be burning the small shack across from the high school

- The Council will hold a work session on the City audit May 29, at 4:00 PM.
- Had a good exchange with the County regarding development in our impact area.

ADJOURNMENT

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

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

Signed this _____ day of _____, 2007.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk