

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
December 1, 2008**

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, Georgia Hanigan, Lee Nelson, Les Cochran, Mark Heleker

Members Absent:

Also Present: Police Chief Mark Clark; City Engineer Doug Argo; Mary Cordova, City Coordinator/Clerk; Tiffany Howell, Utility Clerk; Tom Welch; Aric Barto; Police Captain Dave Platt; Jeff Ward, Independent Enterprise

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

Heleker moved and Williams seconded a motion to amend the agenda to include the approval for bond requirements for the Moser Subdivision, and the acceptance of a grant offer from ITD Division of Aeronautics.

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

APPROVAL OF MINUTES

Heleker moved and Williams seconded a motion to approve the meeting minutes of 11/17/2008 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 \$207,155.56

At the roll call:

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

Nays:

The motion CARRIED.

SPECIAL ORDERS

None Heard.

COMMUNICATIONS

- A. Payette Head Start – Invitation to Participate in Reading Program

PLANNING & ZONING

- A. 10/23/08 Regular Meeting Minutes

OLD BUSINESS

None Heard.

NEW BUSINESS

- A. **Request for Waiver of Fees for Utility Bill Insert**
 - **Friends of the Portia Club, Cleo Thompson**

Cleo Thompson – 75 No. Iowa Ave; Payette, ID 83661

Mrs. Thompson stated that she is here representing the Friends of the Portia Club Inc., which is a public charity under the IRS Code. Mrs. Thompson stated that she would like to thank the Council for letting the Portia Club send out the survey in the Utility Bills. Mrs. Thompson stated that the survey basically asked the citizens what they would like us to do with it regarding events and such. Mrs. Thompson stated that she is here asking for a waiver of the \$274.00 fee for the printing of the inserts. Mayor Henderson stated that the \$274 for printing is not something we charge, it is something the printing company charges the City. Councilor Williams asked if someone wants to put something in with the Utility Bills it would cost us \$274. Clerk Cordova stated that it depends on what you are putting in the bills, and if it is color or black and white, or if it is multiple pages. Mayor Henderson stated that he was sure this is for a worthy cause; we need to keep in mind that there may be no lack of people that want to put a flyer in our utility bills if we are excusing the fee. Councilor Williams asked Mrs. Thompson if they are asking because of limited funds. Mrs. Thompson stated yes.

Councilor Williams asked Mrs. Thompson where the funding for the Portia Club comes from. Mrs. Thompson stated that it comes from almost all grants and donations; it is probably 60% grants and 40% donations. Mrs. Thompson stated that the club has a lot of people like Mar McCarol that donates every time he gets his 401k statement. Mayor Henderson asked Clerk Cordova how much money is in our donation line item. Clerk Cordova stated there is \$9,800. Councilor Cochran asked Mayor Henderson what the \$274 will be used for. Mayor Henderson stated that the Portia Club put out a flyer in our utility bills and the fee was \$274, it is something that the City is billed for. Councilor Nelson asked Mayor Henderson if we have set any policies as to what can be put in with the bills. Mayor Henderson stated that at this point I do not believe we have, it is a fairly

new thing. Councilor Nelson stated that we might want to. Mayor Henderson stated that it would probably be a good idea. Councilor Williams stated that he has mixed emotions; I can see where people like realtors who might want to put things in there. On the other side we do have a line item that we do help the historical society, and this is kind of like what we do for them. Mrs. Thompson stated why doesn't the Council say no to this, and I will come back to you with something that you can find a place for. Mrs. Thompson stated that is on the clubs agenda, and this is really cheap and a good one to say no to. Mayor Henderson stated that we are in the second month of the budget year, and we just want to make sure we don't do something that everyone else is going to expect the same thing of.

Councilor Mussell asked Mayor Henderson if we could make a \$100 dollar donation out of our budget, since it is a nice building and would like to save it. Clerk Cordova stated that we did do the community survey for the Snake River Transit Authority when they were putting that together, we also did the community survey for the Community Review. Clerk Cordova stated that we are very selective about what goes in with our bills. Mayor Henderson asked Clerk Cordova if we paid for the Snake Transit Survey. Clerk Cordova stated that she thinks they paid for a portion of it, but will have to check because she is unsure. Clerk Cordova stated that if the Council does decide to donate this cost or maybe a portion of this cost in exchange I would hope to see that we could use the results of the survey. Mrs. Thompson stated absolutely, we have offered the same information to the Senior Citizens, and any other group that would like to use the information.

Mussell moved and Hanigan seconded a motion to donate \$100 to the Friends of the Portia Club Inc.

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

**B. Request for Extension of Installation of Curb, Gutter& Sidewalk
- Aric Barto, South 12th Street**

Aric Barto – 213 No 10th St; Payette, ID 83661

Mr. Barto stated that he had purchased the house at 721 S. 12th St, and was unaware at the time that he would have to install curb, gutter, and sidewalk right away. He thought it would be installed when they widened the road. He understands that he had to take care of my portion, but apparently there was a stipulation in the contract that as soon as the property transferred into someone else's name that it would be required to be done right away. Mr. Barto stated that he is going to move into this property and wants to know if he can have an extension until spring to do it himself, when the weather gets nicer. Mr. Barto stated that it wasn't a cost he was planning on incurring right away; Mr. Barto stated that he jumped the gun on buying the property and didn't really have a chance to look at the deed before I purchased it. Mr. Barto stated that during the closing it just got skipped over, and he should have known because he is a realtor.

Councilor Williams stated that this will be an island of curb, gutter, and sidewalk and water has to run down hill, and I am wondering if once he enters into an agreement is it required of everyone else. Mayor Henderson asked Mr. Barto if there is curb, gutter, or sidewalk on either side of Mr. Barto. Mr. Barto stated no. Mayor Henderson stated that we have talked about this before, and I think this is something that I understand the concept behind, but when do we trigger that people actually have to start doing it. Clerk Cordova stated that this situation is a little bit unique; it was specifically included in his

deed that the next property owner would put it in at the time of possession of the property. In addition he did take out a building permit which also necessitates the curb, gutter, and sidewalk agreement. We have almost every one of the property owners now, so they could all put it in at the same time, and basically we could move on this, this spring. Clerk Cordova stated that granting him the extension to wait, we do not have any objection to that, we would like to see perhaps a bond put into place for the project. In addition to your question regarding there being no curb, gutter, or sidewalk around him there's not, but in anticipation we know that we are going to be putting it in there. Our City Code states that the City Engineer will set the grade and so on, so it would not be a waste. Mayor Henderson stated that if Mr. Barto puts the curb, gutter, and sidewalk in, in the spring like he's asked and we have those agreements close by, we could use Mr. Barto as a catalyst to get them started.

Councilor Nelson asked Clerk Cordova when you refer to you got all of them ready. What do you mean by that? Clerk Cordova stated that most all of the property owners have signed a curb, gutter, and sidewalk agreement saying that I agree that now is not the time, or it's not best to put it in, and we have almost all of those property owners. Mr. Barto stated that when he pulled his building permit the Building Inspector told him that he would probably just be signing the curb, gutter, and sidewalk extension agreement. Clerk Cordova stated that essentially the curb, gutter, and sidewalk agreement does not apply to him because it is in his deed, so basically what we are doing tonight is granting him an extension on completing it. Councilor Heleker asked if we grant this extension tonight will we be sending out notice to all property owners that we will be doing this in the spring. Clerk Cordova stated yes, and most of them know. Councilor Heleker asked if the motion needs a bond mentioned in it. Clerk Cordova stated that the City would feel more comfortable with that. Councilor Williams asked who is going to ramrod this project, is it going to be the City? Clerk Cordova stated when you start a project like that; they have to pay for their share of the project. Clerk Cordova stated that we could provide them with cost estimates as to what it's going to be. Councilor Mussell asked if they owners are able to do the work themselves. Clerk Cordova stated that in a big project like this where it's all one side of the street, we would probably want to do the project. Mayor Henderson stated that it would probably be more economical for them all to do it at the same time. Councilor Williams asked if the City wants to get in the business of saying we are going to ramrod this, and it going to cost this much. Mayor Henderson stated that this goes back to my original point that we have been easy to hand out these extensions, but we have never thought it out on when does this all come due. Councilor Heleker asked if we are looking at the possibility of a bond, I'm looking for consistency and fairness. City Engineer Doug Argo stated that there is a difference because there is a stipulation on the deed. Mr. Argo stated that when someone is required to do something as part of a development or part of a transfer of property they can bond for that, the others went in for a building permit the code says they have to put in curb, gutter, and sidewalk. Clerk Cordova stated if we do an LID there would be public hearings, it think we as administration could effectively evaluate these situations and determine whether or not this is a road widening project, or is this going to be a sidewalk, drainage project. Clerk Cordova stated that she doesn't want to say that we would ever have any instance where we would ramrod this down the property owners throat, but we would take those things into consideration and figure out an effective way to get this done. Councilor Heleker asked if we could postpone this until we get quotes. Mayor Henderson asked if this is stopping him of doing anything at the moment. Clerk Cordova stated that he is required to install it now. Mayor Henderson stated that if put it off until next meeting. Clerk Cordova stated that the City Engineer has a very good estimate per lineal foot cost of a sidewalk installation. Mr. Barto stated that his frontage is 55 feet. Mr. Argo stated that the cost would be \$1,900. Clerk Cordova stated that the code stated that he would bond for 110% excess. Mayor Henderson

stated that we actually bond for more than what it would cost to do the project. Clerk Cordova stated yes, because we don't know what the cost is going to be in 6 months from now.

Heleker moved and Mussell seconded a motion to grant the extension at 721 So. 12th St. for Mr. Barto contingent upon a bond of \$1,900, the extension is valid until the last day of May 2009.

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

C. Request for Extension of Installation of Improvements

- Jeff Williams, South Main Street

Jeff Williams – 1438 2nd Ave So; Payette, ID 83661

Mr. Williams stated that some of you are aware of the property I purchased from the Butlers a year ago. As you can see from the hand out, the building inspector came out and did his walk through of the property, and of the three things two of them have to be completed. The last page of the hand out you will see the handicap sign for the parking space, so that one is take care of. The drainage improvements and the curb, gutter, and sidewalk are what we are talking about. At this time I am asking for an extension for completing the drainage improvement between the two buildings, due to weather related problems I am anticipating the completion to be no later than May 31, 2009. On curb, gutter, and sidewalk, I have some real challenges there. I feel that there are two problems out there, the first being if the City needs me to deed the right-of-way to the City I should be compensated. I do propose that I exchange the right-of-way that the City needs in exchange for those improvements. More importantly there is a huge survey problem out there that is owned by O.H. Smith, and Larry & Debbie Butler Jr., and myself. After researching this, I feel that the Department of Transportation, Payette County, Payette City, myself, Larry & Deborah Butler Sr., Larry & Debbie Jr., and possibly the title companies all have a vested interest in solving this problem. If I were to do any improvements along Northeast 10th it would just exaggerate the problem that already exists. I have copies of surveys and different things out there, and we have a big problem with boundaries out there. I talked with the title company and they take the original legal description and if the highway department comes in then they except that. The boundary of this property apparently goes right through Mr. & Mrs. Butler's house. Clerk Cordova asked Mr. Williams if the survey the City received was not an accurate survey. Mr. Williams stated that it was not a survey, but rather a drainage plan.

City Engineer Doug Argo stated that he thought Mr. Williams was required to do a boundary survey, or expose your property survey before you did your construction. Mayor Henderson stated that the drainage improvement is a separate issue from the curb, gutter, and sidewalk. The drainage improvement is the only item left as far as the Certificate of Occupancy is concerned, and I think we need to address that separately. Mr. Williams stated that they are both separate items, but are both linked to the certificate of occupancy. Mayor Henderson stated that he was under the understanding when we talked about this before that the two were separate issues. Mr. Argo stated that they are both stipulations of the certificate of occupancy. Mayor Henderson asked Clerk Cordova how to get this resolved. Clerk Cordova stated that what we are looking for tonight is an extension for the drainage improvement, six months seems to sound good. Clerk Cordova stated that as far as the curb, gutter, and sidewalk goes there seems to be a boundary problem with Mr. Williams's property, and I think we could have that solved within six months as well. Clerk Cordova stated that she would suggest a temporary certificate of occupancy through the end of May 2009 first of June 2009. Mayor Henderson

stated that we are going to propose an extension on both, and one of them you already said you were going to put in, and the other one we are going to resolve before that time frame. Mayor Henderson stated that you are not committing anything, we are just going to get this resolved and they will report back with their findings. Mr. Argo stated that there is a plan there that shows the line and grade of that curb, and gutter; which has been approved for construction the only issue outstanding on it is the right-of-way. We have not been compensating people for the right-of-way when it's their development, and as part of that the code says that you will put in curb, gutter, and sidewalk as part of your certificate of occupancy certificate.

Heleker moved and Nelson seconded a motion to approve the extension of the installation of the improvements on Mr. Williams's property at 1531 S. Main St. for a period of 6 months (May 31, 2009).

At the roll call:

Ayes: Nelson, Mussell, Hanigan, Cochran, Heleker

Nays:

Abstain: Williams

D. Application for Mobile or Temporary Food Service Vendor
- Tom Welch

Tom Welch – 526 17th Ave N; Payette, ID 83661

Mr. Welch stated that he is trying to get a permit to sell oranges as a fundraiser for the church. Basically the funds go to help put our young people in camp, and to finish remodeling our building. Mayor Henderson asked Clerk Cordova if this takes a Temporary Food Service Permit to sell oranges. Clerk Cordova stated yes. Clerk Cordova stated that if the Council does grant approval of this permit we would like to see it contingent upon receiving the actual insurance binder. Mr. Welch has submitted the application to us, but we are still waiting on the insurance company to send over the binder. Councilor Williams stated that he understands the health issues, but for oranges this seems a little bit over the top. Clerk Cordova stated that it's not only the food service, but the merchant as well. Mr. Welch stated that he will not be going door to door.

Williams moved and Mussell seconded a motion to the Mobile Food Vendors Permit for Mr. Welch contingent upon insurance requirements.

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

E. Moser Subdivision
- Bond Requirements

Clerk Cordova stated that the City Engineer Doug Argo will be speaking on behalf of Mr. Moser. Mr. Argo stated that Mr. Moser apologized for not being here he had a family funeral to go too. Mr. Argo stated that Mr. Moser is requesting that we post a bond for the construction of the sidewalk. His subdivision was approved pending construction of the sidewalk behind the existing curb, and he

is requesting that he be allowed to post a bond for that construction and that he will either construct it on his own, or when the property sells. This is similar to what we do for any other public improvements for a subdivision, we allow them to bond for it, and once they have met the financial requirements they can sell the lots. He is requesting that he is allowed to do this on his property and we agree with that. Mayor Henderson asked Mr. Argo how it works where he is bonding for it, and he sells it, are we back to the situation like tonight. Mr. Argo stated that no, he would be required at point of sale to put it in, or if a building permit is pulled. Mr. Argo states that if no permits are pulled, and the property does not sell he would have no longer than 5 years per our code. Mayor Henderson stated that we are saying that we are going to allow him not to do this if he bonds and that will be in effect until the point of sale, or a building permit is pulled. Mr. Argo stated that there would be three possibilities, the five year time window runs out, the point of sale, or a building permit is pulled. Mayor Henderson stated that at the end of the five years he would be required to put sidewalks in. Mr. Argo stated yes.

Heleker moved and Williams seconded a motion to grant the extension of the sidewalk placement contingent upon a bond in the amount of \$7,500, in that his installation of his sidewalk would begin at the end of 5 years, when a building permit is pulled, or when the property is sold at 541 S. 12th St.

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

F. Acceptance of A Grant from the Idaho Transportation Department Division of Aeronautics

Clerk Cordova stated that we had recently applied for assistance from the Idaho Airport Aid Program Division of Aeronautics for improvement to the Payette Municipal Airport. I am happy to announce that the State did award us \$152,050, which is a 50% match so we can match this with in kind services. We had submitted the proposal for extension of the runway and development of the new parallel taxi way, and with our previous grant we did get the parallel taxi way complete and the airport commission talking about re-surfacing the runway. Clerk Cordova stated that this is allowing us to enter into the grant agreement, and it's great for our airport. Councilor Nelson asked if that means we need to come up with \$150,000. Clerk Cordova stated yes. Councilor Nelson asked if they want to re-cover the tarmac, what kind of cost are we looking at. Mr. Argo stated that if we overlay it, it would be about \$1-1.25 a square foot. If we use it as a runway extension and do the extension and earth work, and do the work ourselves it's a lot less harsh on our budget. Councilor Nelson asked how may feet they want to extend the runway. Mr. Argo stated it was 500. Councilor Mussell asked how much we have in the budget for extending the runway for this year. Clerk Cordova stated she believed there was \$40,000 in the budget. Mayor Henderson asked if there was any time limit on the grant. Clerk Cordova stated that she will double check on that but we are just now using 2007 funds. They obligate the money and it sits there until we us it, so by signing this grant it is going to obligate the funds through the Aeronautics.

Williams moved and Heleker seconded a motion to accept the grant from the Idaho Transportation Department Division of Aeronautics contingent upon the acceptance of the City Attorney.

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

DEPARTMENTAL REPORTS

None Heard

CITIZENS COMMENTS

Councilor Williams-

Mr. Williams stated that he had a citizen complaint that the City Council Agenda's were not posted to the website by 4:00pm. Clerk Cordova stated that to her knowledge there have only been a couple of times that they were not posted, but that was due to computer problems. Jeff Ward from the Independent Enterprise stated that he has never had any problems getting that information from the website.

MAYOR'S COMMENTS

- ❑ Friday at 5:30PM we will have the Holiday Downtown. Santa and Mayor Henderson will be lighting the tree. Following the lighting Santa will be going to the Payette County Historical Museum to visit with all the kids.
- ❑ There will be a Utility Bill policy, and well as a curb, gutter, and sidewalk policy work session early in January 2009.
- ❑ The next meeting will be December 15' 2008 at 7PM.

ADJOURNMENT

A motion was made by Heleker and seconded Mussell by 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