

**MINUTES  
PAYETTE CITY COUNCIL  
REGULAR MEETING  
November 19, 2007**

**6:45 PM – Public Hearing**

An application for a Variance by Ray & Helen Rich to construct a covered composite porch with a gable roof at 505 Perry Drive, Payette, Block 9, Lot 9 & N. ½ of Lot 8, Whitely Heights. The property is zoned A Residential.

Mr. Ray Rich, 505 Perry Drive, Payette, explained to the Council that he has applied for a variance because he is going to construct a covered porch. He felt it would improve the look and value of his home. The variance is because the porch is going into the setback of the property. It will be within the 55 foot setback from the centerline of the street.

Councilor Klitch declared a potential conflict of interest as she did help the applicant prepare the application, and did attend the public hearing of the Planning & Zoning Commission.

Councilor Hanigan asked if the large tree in the front yard would be a problem. Rich replied no. Councilor Mussell asked if any neighbors had an objection. Mr. Rich replied no. Mr. Rich continued that the house down the street only has enough room to park perpendicular to their house. If the road was ever widened, that house would have to be torn down.

After review of the application, staff has no objections. City Engineer Argo explained that the existing house appears to be 55.2 feet away from road right of way. The question was raised of how much this would encroach into the right of way; it does not encroach into the right of way at all. It is a 60 foot right of way. One of the problems we have of buildings encroaching within that 55 feet from centerline, or 25 feet of right of way, is parking in front of the garage can sometimes interfere with the sidewalk. The garage is not changing, it is still outside of the required setback, the only thing going into the setback is the deck, and it is not an issue in this case.

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 Mayor Henderson in the City Council Chambers of Payette City Hall, 700 Center Avenue.

**ROLL CALL**

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

Members Absent: None

Also Present: Jeff Sands, Fire Chief; City Attorney Bert Osborn; Police Chief Mark Clark; WWTP Superintendent Randy Schwartz; Police Captain Dave Platt; Brandi Mack, Independent Enterprise; Les Cochran; Jessica Keller, Argus Observer;

**PLEDGE**

Mayor Henderson led the Pledge of Allegiance.

Williams moved to add and action item "B" under item A in Unfinished Business and a claim for damage by Michael Phillips under new business. The motion was seconded by Klitch, and after a unanimous voice vote, the motion CARRIED.

### **APPROVAL OF MINUTES**

- A. 11/05/07 Regular Meeting Minutes
- B. 11/08/07 Special Meeting Minutes

Heleker moved and Mussell seconded a motion to approve the regular meeting minutes of 11/05/07, and 11/08/07.

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

### **APPROVAL OF BILLS & PAYROLL**

A motion was made by Williams and seconded by Hanigan to approve the City Bills & Payroll in the amount of \$185,019.03.

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

The motion CARRIED.

### **COMMUNICATIONS**

None heard.

### **SPECIAL ORDERS**

None heard.

### **PLANNING & ZONING**

None heard.

### **UNFINISHED BUSINESS**

#### **A. Update on Proposed Ball Fields behind McCain Middle School**

Councilor Heleker informed the Council that at this point, three of the five ball fields are now flattened. The County was instrumental in getting the project started, and now Bill Ford has been working since then. Mr. Ford broke an axel which is being repaired. The Helming Family Foundation donated \$6,000, and Seneca donated another \$5,000 toward this project. We will have it flat and ready for County Rec. They will start on fences and backstops and should be playing ball by summer.

Councilor Williams noted that total donated to date is \$11,000. Heleker replied yes, and they feel they can get the job accomplished with that amount. Mayor Henderson stated that they think this will cover what they need, but he encouraged the Council to act and empower the city to get the job done. Heleker stated the City has helped through engineering and smaller machinery, but if we do come up short, he would hope that the Council would look favorably on giving more.

Councilor Williams asked what kind of budget do we have to work with. Cordova responded that the Council has budgeted \$5,000 for donations/promotions for FY08. If it exceeds \$5,000, we will have to look at absorbing the cost in other areas of the budget.

A motion was made by Williams to authorize an additional \$1,000 to complete the project. The motion was seconded by Klitch.

In discussion, Heleker mentioned that the County has said that they have put in \$30,000 into hours, equipment and fuel when they moved the dirt. Mr. Ford estimated in the \$11,000 area, and it appears he is not being reimbursed for his time.

Heleker moved to amend the motion to not to exceed \$3,000. The motion was seconded by Williams.

After a unanimous voice vote, the motion to amend CARRIED.

After a unanimous voice vote, the main motion CARRIED.

## **NEW BUSINESS**

### **A. Approval of Lease-Option Agreement with Gary L. Adams for property at 625 River Street**

Councilor Nelson asked why we need a lease agreement since the bond passed. City Attorney Osborn explained why the City needed the lease in the interim period before the bond sale. Nelson then asked for an explanation for lease vs. rent. Osborn replied that it is the same thing.

A motion was made by Heleker and seconded by Williams to approve the lease-option Agreement with Gary L. Adams.

### **B. Request for Variance by Ray and Helen Rich**

A motion was moved by Heleker to approve the variance for Ray & Helen Rich. The motion was seconded by Mussell.

After a voice vote, (with one abstention, Klitch), the motion CARRIED.

### **C. Approval & Acceptance of Two Rivers Estates, Phase 1 Public Improvements**

Mayor Henderson said the improvements have been completed for some time, but we were just waiting for the as-builts.

A motion was made by Klitch to accept the public improvements of Two Rivers Estates, Phase 1. The motion was seconded by Mussell.

After a unanimous voice vote, the motion CARRIED.

### **D. Discussion of Extension of City of Payette Impact Area**

Mayor Henderson explained that at the last Council Meeting, Councilor Heleker requested that the Council discuss the expansion of the Payette Impact Area. Heleker explained that two years ago, we listed that as something important to our community. His main targeted area is the Washoe area. There were some other areas pocketed around town. At this point, there are a lot of things that need to be done, but it is important to move on it.

Councilor Nelson requested clarification on the requested area, and if we have to change the comprehensive plan. Mayor Henderson asked that a work session be scheduled.

### **E. Approval of Written Notice of Termination of Agreement with Payette County For the Provision of Building Inspector Services**

Mayor Henderson explained that we have spoken to the current building inspector and have notified him of our intentions.

Councilor Klitch asked if the County would be surprised by this. Mayor Henderson said no.

A motion was made by Klitch and seconded by Hanigan to provide written notice of termination of shared building inspector services to the County.

After a unanimous voice vote, the motion CARRIED.

### **F. Michael Phillips Claim for Damage**

Mayor Henderson said as is customary, the Council should consider rejecting this claim and refer it to our insurance company.

A motion was made by Heleker and seconded by Mussell to reject the Phillips claim and send it to the City's insurance company.

It was decided Councilor Williams had a conflict of interest in voting on this issue.

After a voice vote, (with one abstention, Williams) the motion CARRIED.

**DEPARTMENTAL REPORTS**

None heard.

**CITIZENS COMMENTS**

None heard.

**MAYOR'S COMMENTS**

Mayor Henderson informed the Council of the following:

- The Community Review has been submitted to the City and is available on the City's website. Paper copies are available at City Hall.
- The Payette Fire Department will hold its annual chili feed on December 7. They will also be accepting unwrapped toys for tots on that day. Please plan to attend.
- The City Christmas party will be December 14 at the Eagles Lodge.

**ADJOURNMENT**

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

After a unanimous voice vote, the Council adjourned at 7:20 PM.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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DOUGLAS E. HENDERSON, Mayor

ATTEST:

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Mary Cordova, City Clerk