

**MINUTES  
PAYETTE CITY COUNCIL  
REGULAR MEETING  
July 16, 2007**

**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, Jeff Williams, Georgia Hanigan, Mark Heleker, Lee Nelson

Members Absent: Vallery Klitch

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

**PLEDGE**

Mayor Henderson led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

A. 7/02/07 Regular Meeting Minutes & Public Hearing

Minutes were not available.

**APPROVAL OF BILLS & PAYROLL**

A motion was made by Hanigan and seconded by Williams to approve the City Bills & Payroll in the amount of \$326,827.41.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED.

**COMMUNICATIONS**

No comments heard.

**SPECIAL ORDERS**

None heard.

**PLANNING & ZONING**

None heard.

### **UNFINISHED BUSINESS**

**A. ORDINANCE 1282 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 7 IN TITLE 2 ESTABLISHING A MUNICIPAL AIRPORT COMMISSION; PROVIDING FOR ITS COMPOSITION; ALLOWING AN IMPACT AREA RESIDENT TO SERVE ON THE COMMISSION; ALLOWING A RURAL PAYETTE COUNTY RESIDENT TO SERVE ON THE COMMISSION; ALLOWING FOR MEMBERSHIP BY APPOINTMENT AND CONFIRMATION; ALLOWING FOR REMOVAL; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.**

**~SECOND READING**

Heleker moved and Mussell seconded a motion to read Ordinance 1282 for the second time.

After an affirmative voice vote, the motion CARRIED, and City Attorney Osborn read Ordinance 1282.

Councilor Heleker noted that at our last meeting, this ordinance was moved to its second reading for the purpose of obtaining additional input from the community; has input come in? Williams stated that he talked to a couple of people and did not see a huge problem. He noted on page 22 of the Standards, does not allow agricultural operation at the airport. He was told that if an airpark develops, a crop duster would not be conducive to that environment. Williams wondered why, since agriculture is a large part of our community, why wouldn't we want that? Mayor Henderson stated that since an airpark is not a certainty, we should add "without Council approval." No objections were heard from the Council.

Heleker moved and Williams seconded a motion to suspend the rules and pass Ordinance 1282 on its 2<sup>nd</sup> reading.

After an affirmative voice vote, the motion CARRIED.

Mussel moved and Heleker seconded a motion that Ordinance 1282 do pass.

After an affirmative voice vote, the motion CARRIED.

### **NEW BUSINESS**

**A. Award of 9<sup>th</sup> Street Sewer Replacement Project Bid to Terra West, Inc.**

Councilor Hanigan asked why there was such a large spread in the bids. Engineer Argo stated several bids were very high in the lineal footage cost. His impression was that they were not really hurting for work. There were two low bidders within \$2000 of each other.

Heleker moved and Nelson seconded a motion to award the 9<sup>th</sup> Street Sewer Replacement Project bid to Terra West, Inc. in the amount of \$73,961.00.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED.

**B. Request for use of Kiwanis Park Past Dusk  
~Whitestone Christian Fellowship, Sam Lewis & Zach Heim**

Zach Heim, 1411 1<sup>st</sup> Avenue South, addressed the Council. Mr. Heim informed the Council that their church is trying to reach kids at the skate park. The church has looked at outreach in several different ways. They are going to do a barbeque, and the kids suggested a skateboard competition. The pastor gleefully planned the competition. They want to make it as high quality event as they can. They have Making Tracks Cycle involved. They have put on a couple of skateboard competitions before. They will be handling the events, and the church will co-sponsor. There will be several good prizes for the kids. At some point in the evening, there will be a gospel presentation, and it will be pretty short and quick. They want it to be a quality event that the kids will respect.

Heim continued that they have procured a certificate of liability for the event. They are expecting to go late, around 10 or 10:30. There will be a trailer with boom lighting, and a loud PA. There will be a lot of information at registration, including a release form they will have to sign as entrants in the competition. They will require helmets. If they are over 18, they can release themselves at that point. They are looking in to other safety precautions such as having a nurse available or contracting with paramedics for the event.

Mayor Henderson asked City Attorney Osborn if he had any concerns. Osborn only commented on the religious event in a public park.

Councilor Mussell stated it is a good idea, it is well organized and the kids love it. It is good community family fun.

Councilor Heleker asked about building additional ramps. Heim explained that idea is still under discussion. If built, he expected additional little ramps to maintain momentum, and they would go away after the competition.

Councilor Williams asked of when we had the religious display in the park at Christmas time, did we get any negative comment. Cordova replied no.

Williams moved and Heleker seconded a motion to allow Whitestone Christian Fellowship to have an event on Saturday August 25<sup>th</sup> from 6PM to 12 AM.

After a unanimous affirmative voice vote, the motion CARRIED.

**C. Request for Power and Plumbing Upgrades in Central Park**

## **~Apple Blossom Arts in the Park, Jody Clements**

Ms. Clements was not present to address the letter. Mayor Henderson stated it would be brought up later in his comments.

### **D. Request for Approval of Fence/Barrier at Northgate Trailer Park**

City Clerk Cordova informed the Council that Northgate Trailer Park has moved a new single wide trailer into their mobile home park. The trailer is within 200 feet of a permanent residential structure. Our code states that there must be a barrier if a single wide is placed within 200 feet of a permanent residential structure, and the Council must approve the type of barrier. Northgate trailer park has proposed their choices of barriers.

Dave Blazer, 959 14<sup>th</sup> Avenue North, stated he owns one of the two properties that falls within 200 feet of the trailer. Mr. Blazer continued that he bought the property 18 years ago, and through that time they have had access on the road that goes through the trailer park. Hardin Sanitation and the mail carrier provide services on that road. Should there be an emergency, that road would have been the most direct route. He pointed out that he does have access to 9<sup>th</sup> Street through a private road called Marsers Lane. He has a lifetime easement on that road, but it is narrow. Mr. Blazer said he thought a long term use of that property would constitute a prescriptive right of way, but did not want to get into legal discussions about that. Blazer felt that the owner of the trailer park has gone ahead, without Council approval, and without a building permit, and has placed a trailer on his property. Mr. Blazer passed pictures around to the Council.

Mr. Blazer said he has a lot of pride in his property, and right now, if someone would come to visit him, he would be somewhat embarrassed to have someone pass this to his property. Mr. Blazer said he did not want to get in the way of what is the other owner's right to build and expand. If he is granted the right to place the trailer there, Blazer asked for the very most private fence or barrier that is enforceable, and some time of agreement that it must be maintained.

Councilor Nelson stated asked if the trailer is sitting more north on the property .Blazer pointed out that there is a ditch along the line of trees. The irrigation companies use it to deliver the wastewater back to the river. Blazer noted his address is 14<sup>th</sup> Avenue North. It states it at the County. There seems to be some debate if it was ever deeded to the City or not. The row of trees separates Marsers Lane from 14<sup>th</sup> Avenue North. Blazer pointed out that he is not on 9<sup>th</sup> Street, but is on 14<sup>th</sup> Avenue North. He came home from vacation a couple of weeks ago, and his mail box was gone. It was placed at the road without his knowledge.

The fact that the house was moved in without any consult of the neighbors. Fred came to me and told him what he wanted to do, and said he wanted to put up a fence. He has heard nothing more.

Councilor Williams asked if a building permit has been issued, and did they need to meet setback requirements. Chief Jeff Sands said that Fred states he owns the ground. The question is, does it belong to Fred. It was explained how Mr. McClendon has been making improvements routing the traffic through his property. Williams asked where is the true corner of the property. Has anyone spent money on a survey??

Councilor Nelson noted that looking at the picture of the mobile home, depending on the age, they need some gas tests. Williams said the whole issue is the location of the home. Chief Sands noted that there is also the issue of the trees.

Mayor Henderson said we do not have enough information to make a decision. Councilor Hanigan asked if 14<sup>th</sup> Avenue a City street? City Clerk Cordova responded that we have researched this thoroughly. As far as County records are concerned, that is not a City street. All of that property is owned by Northgate Trailer Park. He is placing the trailer within the setback, which is 25 feet from the property line. The building inspector has indicated it is being placed within the setbacks.

Councilor Heleker asked if Northgate owns the row of trees. Cordova did not know who owned the trees. Councilor Nelson asked Fire Chief Sands if there is a fire blazing, how will you get in there. Sands replied that they would go through Marsler Lane. The best bet would be to get the trees trimmed back. If there is a fifteen foot easement that has grown over to 8 feet, he may be more inclined to use the Lane. Sands pointed out that they have lost a lot of units in that trailer park. We were going to gain footage on the internal roads by moving the trailer to the corner.

Councilor Heleker would like an exact determination of where the boundary is and who is responsible prior to making a decision.

A motion was made by Heleker and seconded by Williams that the issue be postponed to the next regular meeting of the Council, at which time the property line, and who is responsible for the trees should be determined.

After a unanimous affirmative voice vote, the motion CARRIED.

#### **E. Discussion on Vandalism in the Park**

Mayor Henderson stated that on or about last Thursday night, someone went into the boy's restroom at Kiwanis Park and put an explosive down both toilets and blew both toilets out. He went down and observed the results of this last Friday during an event Friday afternoon, and went into the girl's restroom to inspect it for damage, and found that someone had defecated in the sink, which he had the joy of cleaning out himself.

This is just an example of a long running history of what we have endured at our City parks. We regularly have toilets, sinks and picnic tables destroyed. Mayor Henderson stated he is sick of it. The vast majority is suffering for the costs and the lack of available facilities because of a few malicious idiots. If there is no objection from the Council, Mayor Henderson wanted to run ads in the paper posting a \$200 reward leading to the conviction of these vandals. He would also like to have permanent signs posted in the park offering rewards for turning in future vandals. We have also discussed the possibility of placing surveillance cameras on some of the buildings in the park. Councilor Hanigan would like to see this extended to the greenbelt as well.

Councilor Heleker said he liked the idea of a reward being offered. Some discussion followed. It was determined a reward of up to \$500 dollars would be offered. It was suggested the bathrooms could be locked up at night.

Mayor Henderson then added he would like someone to tell him where the 'slush fund' is that Jody Clements stated in her letter. Mayor Henderson read the letter aloud, which requested electrical and plumbing upgrades to Central Park for benefit of Apple Blossom.

Mayor Henderson stated there is no magic slush fund, and bathrooms are always a concern to us. Councilor Hanigan asked if we could address the issue of power in the park. Mussell stated perhaps portable power could be used. Mayor Henderson said we will look in to the cost, and get back with the Council.

Councilor Nelson asked if we could add stainless steel facilities in the park. Mayor Henderson stated it is very expensive, but it may not deter the vandals. Councilor Heleker added he is very much in favor of signage of rewards, and making sure the facilities are locked.

## **F. Approval of Tentative City of Payette FY2008 Budget**

Mayor Henderson commended the Council for the work they have done on this budget. There was a lot of time and research put into the facts. There was a half a million dollars cut from the original budget. This is a tentative budget that is both logical and sound. It does contain a 3% property tax increase, which is the first in four years. It also is asking to claim the foregone monies which is a set amount of funds we haven't claimed in past years. If these forgone funds are claimed they would be used only for a road rehab project on South 9<sup>th</sup> Street. Henderson continued to say to keep in mind this is only a tentative budget, and we will advertise and hold public hearings before the final budget is approved in over a month from now. The tentative budget can decrease, but once it is approved, it cannot increase. Henderson read a letter from Councilor Klitch into the record as she was not present at the meeting (letter is attached to these minutes).

Councilor Heleker commented on the importance of the greenway, and would like it to be in consideration in the budget, although the bulk must go to the street project.

Councilor Williams found it refreshing that a short two hours after the final budget workshop, the out of town guests for the community review, reinforced what we had said was important to our citizens, particularly South 9<sup>th</sup> Street. They all came with a lot of knowledge that you have to budget for future years. Williams continued that as much as he has fought the property tax increase in previous years, it was primarily because of the unencumbered fund which we had no use for. We did put that money to use, one of the projects being Seneca which we should all be proud of. Their suggestion is if we don't take the increase, we will set ourselves up for failure in future years. Williams supported the budget, and the final decision will be made after the citizens speak at the final hearing. He hoped to hear from a lot of them. We have to educate the citizens as to why we made the decisions with the budget.

Councilor Mussell commented that one of the reasons why he came around to accept the foregone money is because the impact to the citizens is not as much as we think. We need to take care of business as far as moving forward.

Councilor Williams moved and Hanigan seconded a motion to approve the FY08 tentative budget, and set a public hearing date for August 20, 2007, at 6:00 PM.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED.

## **DEPARTMENTAL REPORTS**

Written reports were presented to the Council.

City Clerk Cordova thanked all of the department heads and staff for all of their hard work and contribution during the Community Review.

**CITIZENS COMMENTS**

None heard.

**MAYOR'S COMMENTS**

Mayor Henderson informed the Council of the following:

Idaho Rural Partnership brought a visiting team last week to conduct a Community Review. The process was extremely enjoyable and generated many beneficial suggestions for our future as well as reaffirmed the direction the Council is taking in many areas. His only regret is he wished more of the public would have turned out for the public forums. Hard copies of the report will be ready for distribution in October. Mayor Henderson thanked City Clerk Cordova for all she did last week.

End of 10<sup>th</sup> Street in the area of Marshall Furniture is flooded. This has been mainly caused by the over irrigation of a field on 3<sup>rd</sup> Avenue North. The runoff is going to our drain system, and it can't handle that much runoff. We are addressing this reoccurring problem. We haven't noticed it in recent years because it was farmed in hay, which doesn't take near as much water as corn. We are addressing the problem.

Will not be at the August 6<sup>th</sup> Council meeting as he will be celebrating his 25<sup>th</sup> wedding anniversary in the Caribbean. Councilor Nelson will be running the meeting.

Councilor Williams stated that he is looking forward to the Community Review's written report. He thought we may lose some of our enthusiasm and drive from that in the next two months. When we do receive the report, it would be nice if the Council could pick one or two items to push through and follow up and make something happen. Mayor Henderson stated his intention is to form the same home teams and generate more members and let those individual teams focus and find some successes right off.

Councilor Nelson hoped that the ITD people see how critical Highways 95 and 52 are to us. Mayor Henderson stated they saw the need and the issues for the public crossing the road. More discussion followed.

**ADJOURNMENT**

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

After a unanimous voice vote, the Council adjourned at 8:30 PM.

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

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DOUGLAS E. HENDERSON, Mayor

ATTEST:

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Mary Cordova, City Clerk