

MINUTES OF A REGULAR CITY OF PAYETTE COUNCIL MEETING HELD JANUARY 3, 2006, AT 7:00 P.M. IN CITY HALL, 700 CENTER AVENUE, PAYETTE, IDAHO.

MAYOR MARK HELEKER CALLED THE MEETING TO ORDER.

ROLL CALL: Georgia Hanigan, Doug Henderson, Vallery Klitch, Ivan Mussell, Lee Nelson and Jeff Williams were present.

MINUTES: Councilman Williams asked the minutes of December 19, 2005, be amended. During the discussion on the variance request he asked if findings and facts are completed on variances, he didn't request that they be done. Councilwoman Klitch moved to approve the public hearing minutes of December 19, 2005, as written and the amended minutes of the regular meeting of the same day. The motion was seconded by Councilman Henderson and passed by a unanimous roll call vote.

BILLS AND PAYROLL: Councilman Nelson moved to approve bills and payroll in the amount of \$149,369.56. The motion was seconded by Councilman Henderson and passed by a unanimous roll call vote.

PUBLIC HEARING ON THE PROPOSAL TO THE IDAHO DEPARTMENT OF COMMERCE AND LABOR FOR A RURAL COMMUNITY BLOCK

GRANT IN THE AMOUNT OF \$500,000: Jennifer Tomlinson of Sage Community Resources, 1001 South Orchard, Boise, 83705, explained the reason for public hearing is to allow citizens to have input on the development of a rural community block grant for the construction of infrastructure improvements for Seneca Foods.

The hearing will remain open for written comments until 5:00 P.M., January 10, 2006, and the draft application and handbook will be available at City Hall for review. There were no public comments given during the meeting. Councilwoman Klitch moved to have the public hearing remain open for written comments until January 10, 2006, at 5:00 P.M. The motion was seconded by Councilman Mussell and passed by a unanimous roll call vote.

SENECA FOODS UPDATE: No information was presented.

WATER STUDY - Matt Uranga, JUB Engineers: A. Mayor & Council comments

B. Possible acquisition of water rights: Matt Uranga of JUB was present for comments on the water study and to briefly explain the process of acquiring water rights from the Idaho Division of Water Resources. The Mayor and Council had no additional comments or questions regarding the water study. Mr. Uranga answered a few questions regarding obtaining water rights on the Payette River and that obtaining those rights must be done in conjunction with a project. He commented that there may be a possibility of municipalities obtaining those rights for future needs, but that issue is currently being discussed in a court case. Councilman Williams asked Mr. Uranga to speak about the water rights issue to the economic development board and the County Commissioners at a meeting on January 18th. He said he could attend.

SEVENTH AVENUE NORTH PROJECT UPDATE - Bill Russell of Toothman-Orton Engineering & Jerry Flatz of LHTAC: Both men were present to give an update. Mr. Flatz informed the Council the environmental review is still at the department of highways for approval and he is hoping it will be completed this week. The historical and environmental reviews of the project have delayed the progress so much that the 7th Avenue North project will not be completed in 2006 as scheduled. Mr. Flatz said it will probably have to be rescheduled for 2008. Mr. Russell said the state transportation department has agreed to fund a stop light at the intersection of Highway 95 and 7th Avenue North for FY 2008 and both projects could be done at the same time. The Council asked why they were not informed of this delay earlier. Mr. Flatz said he was hopeful the reviews would be done sooner and then they could start working on the final design and negotiating for right of way. Mr. Flatz explained that because federal money is involved there are very specific rules that have to be followed. Final design can not be done until the historical and environmental reviews are completed and ROW negotiations can not begin until final design is approved. Right of way has to be negotiated and purchased from at least 50 properties and that could take around 6 months. There was discussion of how the project could be moved up to next year and the stop light put in at the same time. Mr. Flatz said if our project gets moved to the 2007 schedule it will move a project for another town to 2008 or later, but he said he will lobby the STIP committee for our project. He is aware we have been waiting for years and it has been pushed back once already. There was discussion on how traffic congestion could be alleviated now. Councilman Henderson moved to place a 4 way stop at the intersection of 7th Avenue North and Highway #95. The motion was seconded by Councilman Williams. The motion passed by a 5-1 roll call vote with Councilwoman Klitch voting no. The Council concurred that they would like to see the opportunity for approval given at least two more weeks before they accepted the delay of the project. Councilwoman Klitch moved to table this item. The motion was seconded by Councilman Henderson and passed by a unanimous roll call vote.

Councilman Williams moved to amend the agenda to include an executive session per Idaho Code 67-2345; possible litigation and personnel. The motion was seconded by Councilwoman Klitch and failed by a 1-5 roll call vote. Councilwoman Klitch voted yes. It was decided the addition of this item would need to be done after Sine Die.

AWARD DRILLING CONTRACT FOR WELL #23: Interim City Engineer, Paul Stevens, reported one bid was received. Riverside Well Drilling offered a bid of \$95,137 and Mr. Stevens asked for approval of their bid. Matt Uranga of JUB Engineers said the bid is based on how deep they think the well will be. The total amount could be more or less as it is done on a "per unit price". The new well will be located close to well #11 on the Padgett property on North 9th Street and 7th Avenue North. Councilman Mussell moved to award the contract to Riverside Well Drilling for well #23 in the amount of \$95,137 based on a per unit price. The motion was seconded by Councilman Williams and passed by a unanimous roll call vote.

PROGRESS PAYMENT REQUEST #33 FOR THE SEVENTH AVENUE NORTH PROJECT - Toothman / Orton Engineering: Councilwoman Klitch moved to approve progress payment #33 in the amount of \$592.69 to Toothman-Orton Engineering. The motion was seconded by Councilman Williams and passed by a unanimous roll call vote.

ORDINANCE 1254 TO ESTABLISH LIMITS ON THE SALE OF METHAMPHETAMINE PRECURSOR DRUGS AND PROVIDING THAT VIOLATIONS OF THE CHAPTER ARE A MISDEMEANOR PUNISHABLE BY \$1,000 FINE OR IMPRISONMENT FOR 6 MONTHS OR BOTH (second reading):

Councilman Mussell moved to introduce ordinance 1254 for a second reading by title only. The motion was seconded by Councilman Williams and passed by a unanimous roll call vote. City Attorney, Bert Osborn, read the title. Councilwoman Klitch moved to suspend the rules and pass ordinance 1254 on its second reading. The motion was seconded by Councilman Mussell. There was discussion about the effective date and Mr. Osborn said it is effective upon publication unless the Council changes the date with an amendment to the ordinance. Councilman Henderson moved to amend the main motion and change the ordinance effective date to 30 days after publication. The motion was seconded by Councilwoman Klitch and passed by a unanimous roll call vote. The Council then passed the main motion as amended by a unanimous roll call vote. Councilwoman Klitch moved that ordinance 1254 do pass. The motion was seconded by Councilman Mussell and passed by a unanimous roll call vote.

ENGINEERING SERVICES DISCUSSION (tabled): This item remained tabled.

ENFORCEMENT OF STATE CONTRACTOR REGISTRATION REQUIREMENT: City Building Official, Don Dressen, gave the Council some information to review and will be at the next meeting to address what other cities are doing with the new regulations.

ANY OTHER OLD BUSINESS: No old business was brought forward.

Mayor Heleker addressed the Council and audience. He said it had been an honor and privilege to serve as the Mayor. His decision not to seek re-election was a hard one to make and he has enjoyed his tenure.

Mayor Heleker administered the oath of office to Mayor-elect Douglas E. Henderson.

SINE DIE: At 8:20 P.M. Councilwoman Klitch moved to sine die. The motion was seconded by Councilman Nelson and passed by a unanimous roll call vote. Mark Heleker stepped down as Mayor and new Mayor Henderson left his Council seat for the Mayor's chair. Mayor Henderson said he is honored to serve as Mayor of the City of Payette. He vowed to always listen and make the best decision for the City. People may not always agree with him, but he will always explain his reasoning.

ADMINISTRATION OF OATH OF OFFICE TO NEWLY ELECTED OFFICIALS: Mayor Henderson administered the oath of office to Georgia Hanigan, Ivan Mussell and Lee Nelson for their 4 year Council term.

CALL TO ORDER OF NEW COUNCIL: Mayor Henderson called the Council to order at 8:25 P.M. He requested a 5 minute recess and the Council reconvened

at 8:30 P.M.

ROLL CALL: Georgia Hanigan, Vallery Klitch, Ivan Mussell, Lee Nelson and Jeff Williams were present.

APPOINTMENT TO FILL CITY COUNCIL VACANCY: Mayor Henderson nominated Mark Heleker for appointment to fill the Council vacancy. Councilman Nelson moved to confirm the appointment of Mark Heleker to the City Council. The motion was seconded by Councilwoman Hanigan and passed by unanimous roll call vote. Mayor Henderson administered the oath of office to Mark Heleker. Councilman Heleker will be in office for two years, completing Doug Henderson's term.

Mayor Henderson made the following committee assignments:

Public Works Committee - Vallery Klitch, Jeff Williams and Ivan Mussell

Administration and Finance Committee - Lee Nelson, Georgia Hanigan and Jeff Williams

Public Safety Committee - Georgia Hanigan, Mark Heleker and Lee Nelson

Mayor Henderson offered the following appointments for Council approval: Bert Osborn as City Attorney and Kellie McCombs as the City Treasurer and to the position of interim City Clerk. Councilwoman Klitch moved to approve the appointments. The motion was seconded by Councilman Williams and passed by a unanimous roll call vote.

SETTING OF REGULAR CITY COUNCIL MEETING DATES AND TIMES: Councilwoman Klitch moved to schedule the regular City Council meetings for the first and third Mondays of every month at 7:00 P.M., unless it falls on a holiday and then the meeting will be the following Tuesday. The motion was seconded by Councilman Williams and passed by a unanimous roll call vote.

Councilman Williams moved to amend the agenda to include an executive session per Idaho Code 67-2345; possible litigation and personnel. The motion was seconded by Councilwoman Klitch and passed by a unanimous voice vote.

CHANGE THE NEXT REGULAR MEETING DATE BECAUSE OF HUMAN RIGHTS DAY ON MONDAY: This item was addressed during the setting of the meeting dates and times. The next regular meeting date will be Tuesday, January 17, 2005, because of Human Rights' Day.

DEPARTMENTAL REQUESTS / REPORTS: Jeff Sands, Fire Chief, said he and a couple members of his department will be leaving the next day to pick up the new fire truck in Wisconsin.

CITIZEN'S INPUT: Ginger Birch, 530 Cornwall Way, Fruitland, reminded the Council of a petition to fix the intersection of Iowa and Center Avenues which she turned in over a year ago. She said it has not been fixed and was told during 2004-2005 budget hearings it would be fixed that year. She said the Council needs to do something to make the business owners on Main Street maintain their buildings. There are many not being kept up and she said it was because if the owners put any money in their buildings their taxes will be increased. Ms. Birch also wanted to know how the city attorney and clerk and treasurer are chosen. Why aren't those position put out for public bid? City Attorney, Bert Osborn, said the Mayor appoints and the Council confirms the appointment per City Code and Idaho State Code. Interim engineer, Paul Stevens, said the intersection of Iowa and Center was supposed to be fixed, but the manpower and time was allocated to another project. He believes it will be one of the first things to be fixed in the next construction season. Councilwoman Klitch told Ms. Birch she would review the projects and get back to her.

Councilman Williams moved to adjourn to executive session per Idaho Code 67-2345; possible litigation and personnel. The motion was seconded by Councilman Heleker and passed by a unanimous voice vote.

The Council adjourned to the executive session at 8:45 P.M. and reconvened into regular session at 9:10 P.M.

Mayor Henderson appointed Councilman Lee Nelson to the position of Council President. Councilwoman Hanigan moved to confirm the appointment of Councilman Nelson. The motion was seconded by Councilman Mussell and passed by a unanimous voice vote.

Mayor Henderson formed a committee consisting of Jeff Williams, Mark Heleker, Kellie McCombs and himself to work on the recruitment and hiring of a new City Clerk.

Mayor Henderson administered the oath of office to City Attorney, Bert Osborn, and Kellie McCombs, City Treasurer and interim City Clerk.

Councilman Williams moved to schedule a special meeting for January 6, 2005, at 5:30 P.M. The motion was seconded by Councilwoman Klitch and passed by a unanimous voice vote.

ADJOURN: Councilman Heleker moved to adjourn. The motion was seconded by Councilman Mussell and passed by a unanimous voice vote. The meeting adjourned at 9:25 P.M.

Douglas E. Henderson, Mayor

ATTEST: _____
Kellie McCombs, City Clerk