

**PAYETTE CITY COUNCIL
REGULAR MEETING
November 1, 2010**

7:00 PM – Regular Meeting

A regular meeting of the Payette City Council was called to order at 7:00 PM by Mayor Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

Members Present: Mayor Jeff Williams, Katherine Dodson, Georgia Hanigan, Mark Heleker, Lee Nelson, Les Cochran, Ivan Mussell

Members Absent: None

Staff Present: Mary Cordova, City Coordinator/Clerk; Tiffany Howell, Utility Clerk; Mark Clark, Police Chief; Randy Schwartz, Wastewater Supervisor; Doug Argo, City Engineer

PLEDGE

Mayor Williams led the Pledge of Allegiance.

A motion was made Heleker and seconded by Mussell to amend the agenda to include change order #1 for the fire station.

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

CITIZENS COMMENTS

None were heard.

APPROVAL OF MINUTES

A motion was made Heleker and seconded by Dodson to approve the regular meeting minutes of 10/18/2010 as written and the special meeting minutes of 10/25/2010.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Mussell and seconded by Dodson to approve the City Bills & Payroll in the amount of \$284,212.28.

At the roll call:

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

Nays:

The motion CARRIED.

SPECIAL ORDERS

Rand Schwartz received a Select Society Sanitary Sludge Shovelers Award. Mr. Schwartz stated this award is voted on by his peers, and is something that everyone wants but never know if you will actually get it.

COMMUNICATIONS

None Heard.

PLANNING & ZONING

None Heard

OLD BUSINESS

A. Decision on Appeal of CUP – Steve Nunes

Mr. Nunes stated that he has run out of money to complete the project, and will probably have to put this project off until spring. Mr. Nunes stated that he was very frustrated that he spent all this money on a fire system that is not accepted by his insurance; therefor he does not get a break on his insurance. Mr. Nunes would like to have time to have the Fire Marshall and the building inspector come to his building and see what else needs to be done to complete the process

A motion was made Heleker and seconded by Hanigan to table this agenda item until further information is required or until the 2nd meeting in December.

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

B. Ordinance 1324 – AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION(S) 5.04.010;5.04.020;5.04.050;5.04.060;5.04.070;5.04.080;5.04.090;5.08.030 IN CHAPTER 5.04 & 5.08 OF TITLE 5, BEER AND LIQUOR; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER –

Councilor Heleker stated that under the liquor fee section we should change the wording to read maximum amount allowed by Idaho Statutes. Councilor Dodson stated that she will be abstaining from the vote due to a conflict.

A motion was made Heleker and seconded by Mussell to introduce Ordinance 1324 by title only

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

A motion was made Hanigan and seconded by Mussell to suspend the rules and pass Ordinance 1324 with changes noted on its second reading.

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

A motion was made Mussell and seconded by Heleker that Ordinance 1324 do pass.

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

NEW BUSINESS

A. Change order #1 – Payette Fire Station

A motion was made Heleker and seconded by Cochran to approve change order #1 not to exceed \$2,657.67.

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

B. Appointment of Member to Historical Commission -

A motion was made Heleker and seconded by Dodson to appoint Marsha Gray to the Historical Preservation Commission.

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

C. ORDINANCE #1327 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 13.08.031 (A) OF THE PAYETTE MUNICIPAL CODE TO ADD SECTION (C) CHANGING THE SEWER CLASSES OF PERMITS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER -

A motion was made Heleker and seconded by Hanigan introduce ordinance 1327 by title only.

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

A motion was made Heleker and seconded by Mussell to suspend the rules and pass Ordinance 1327 on its first reading.

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

A motion was made Mussell and seconded by Nelson that Ordinance 1327 do pass.

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

D. Nuisance Trees – Ervin & Julianne Parrish – 912 No 8th St; Payette, ID -

Mr. and Mrs. Parrish stated that the trees on their neighbor's property have become a nuisance to them. The branches constantly fall off onto their house and cause damage. They stated that they do not have the money to take the trees down and would like the City to force the neighbor's to remove the trees. Mr. and Mrs. Parrish stated that they think one of the trees might be in the cities right of way.

Mayor Williams stated that unfortunately this is a civil dispute between neighbors and there is nothing that the city can do. Mayor Williams stated that he will have someone from the city go out and check the tree that you think is on the city right of way.

E. Impact Area Agreement –

A motion was made Mussell and seconded by Hanigan to approve the Comprehensive Plan & Impact Area Map.

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

F. ORDINANCE #1325 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADOPTING A COMPREHENSIVE PLAN; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPLEALER; ALLOWING FOR PUBLICATION BY SUMMARY – First Reading

A motion was made Heleker and seconded by Nelson to introduce ordinance 1325 by title only.

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

A motion was made Mussell and seconded by Heleker to suspend the rules and pass Ordinance 1325 on its first reading.

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

A motion was made Heleker and seconded by Nelson that Ordinance 1325 do pass.

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

G. Ordinance #1326 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW CHAPTER 67 TO TITLE 9 OF THE PAYETTE CITY CODE; PROHIBITING THE SALE, ADVERTISING, USE, MANUFACTURE AND POSSESSION OF SYNTHETIC CANNABINOIDS, COMMONLY KNOWN AS “SPICE”; AND PROVIDING PENALTIES; PROVIDING REMEDIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – First Reading -

A motion was made Mussell and seconded by Heleker to introduce ordinance 1326 by title only.

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

A motion was made Heleker and seconded by Mussell to suspend the rules and pass Ordinance 1326 on its first reading.

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

A motion was made Heleker and seconded by Mussell that Ordinance 1326 do pass.

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

DEPARTMENT REPORTS

None Heard.

MAYORS COMMENTS

1. We have had safety issues with the street crossing at 7th Avenue North and North 6th Street. We had Idaho Power put in bright lights at the intersection to help kids be seen. We have thought about putting buckets with orange flags in them like McCall does, but are still looking into other options.
2. We are in the process of putting in a grant for the "Safe Routes to School"
3. Snake River Transit sent over pictures today of benches they would like to put around town. We currently have benches that we sell advertisement space on.

CITIZENS COMMENTS

Jake Wetzel – Mr. Wetzel stated that he does not think that the bucket with flags that the kids would carry across the road would be a good idea. Mr. Wetzel stated that the kids will not do as they are told with the flag system.

EXECUTIVE SESSION – ADJOURNMENT - Pursuant to Idaho Code 67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and the legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

ADJOURNMENT

A motion was made by Heleker and seconded by Mussell to adjourn to executive session pursuant to Idaho Code 67-2345(1)(f) at 8:17 PM.

The motion CARRIED.

The meeting re-convened into regular session at 8:26 PM.

A motion was made by Heleker and seconded by Nelson to adjourn to at 8:26 PM.

The motion CARRIED.

Signed this _____ day of _____, 2010.

Jeff Williams, Mayor

ATTEST:

Mary Cordova, City Clerk