

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

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, Mark Heleker, Georgia Hanigan  
Vallery Klitch, Lee Nelson, Jeff Williams

Members Absent: None

Also Present: Mary Cordova, City Clerk; Jeff Sands, Fire Chief; Colleen Bonell, Library  
Director; Kellie McCombs, City Treasurer; Street Superintendent Willie Hollis;  
WWTP Superintendent Randy Schwartz; Captain Dave Platt; City Attorney Bert  
Osborne

**PLEDGE**

Mayor Henderson led the Pledge of Allegiance.

Councilor Heleker moved to amend the agenda to include Ordinance 1274. The motion was seconded by Councilor Williams.

After a unanimous voice vote, the motion CARRIED.

**APPROVAL OF MINUTES**

A. 3/05/07 Regular Meeting Minutes

A motion was made by Mussell and seconded by Heleker to approve the regular meeting minutes of 3/05/07.

Hearing no objections, the meeting minutes were APPROVED with one change noted.

**APPROVAL OF BILLS & PAYROLL**

A motion was made by Nelson and seconded by Hanigan to approve the City Bills & Payroll in the amount of \$238,025.15.

At the roll call:

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

Nays:

The motion CARRIED.

**COMMUNICATIONS**

No comments heard.

**SPECIAL ORDERS**

Mayor Henderson stated that we have received State certification for our City Drinking Water Protection Plan. The City was awarded a plaque from the State. Mayor Henderson stated that he believed this is a result of our current Cadillac water infrastructure.

**PLANNING & ZONING**

None heard.

**UNFINISHED BUSINESS**

A. Ordinance 1273 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADOPTING A NEW TITLE 18 AND NEW CHAPTER 18.01 OF THE PAYETTE MUNICIPAL CODE ENTITLED ANNEXATION PROCEDURES PROVIDING FOR AN APPLICATION AND REVIEW PROCESS FOR ANNEXATIONS; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A REPEALER CLAUSE; AND BY PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

~Second Reading

A motion was made by Councilor Heleker and seconded by Councilor Nelson to place Ordinance 1273 into its second reading.

After a unanimous voice vote, the motion CARRIED, and City Attorney Osborn read Ordinance 1273 for the second time.

In discussion, Councilor Nelson stated that although he did not have anything specific, some of it seems overkill to him. It seems really restrictive. It seems the last couple of years we've got more development coming in and our perception before was that we were hard to get along with, and he would hate to see us get that reputation again.

Mayor Henderson stated this protects the current taxpayers to make sure they don't foot the bill for new development. Nelson agreed, but did not want it perceived that we are hard to get along with. We haven't had a problem with vacant land coming in, because it doesn't usually come in until they are ready to develop anyway. Mayor Henderson stated that he would not argue with that. A lot of this is spurred on by state requirements. Mayor Henderson continued that we have not had a problem up to this point, but we want to create a solution before we have a problem if at all possible.

Councilor Williams had some concerns regarding the Ordinance. On page 2, Section 1801.030, the application process, some time ago, he mentioned that if someone made an

offer on property contingent on annexation, on the third line, “or at least one holder of interest”, is somebody that had made an offer on a piece of property subject to the property being annexed, is that a holder of interest? City Attorney Osborne stated yes. Councilor Williams wanted that made more explicit in the ordinance.

Councilor Williams continued that in Section 18.01.040, the City “shall” concurrently with the application consider an application for zoning. What if somebody just wants to do the annexation and not do the re-zone right away, should that be a “may”? City Clerk Cordova explained that state code requires that zoning be established at the time of annexation. City Attorney Osborne concurred.

Councilor Williams continued that item C, subsection C, he did not remember the last preliminary plat or subdivision that had alleys in them. Maybe it should not be included. Councilor Hanigan stated that if you look at some of the newer subdivisions in Ada and Canyon Counties, they are doing garages in the back which requires access from an alley. Mayor Henderson stated that if there are no alleys, we don’t have to consider it.

Councilor Williams then addressed “O” on the next page. What is a fiscal impact analysis? City Clerk Cordova explained that it can basically be whatever the Council determines it to be. If we have a developer that comes in and wants to build 1,000 new homes, what will it cost the City. How much of a burden will it place on the schools, on our departments, personnel, those things will have to be analyzed. It is at the Council’s discretion. If we feel that it may be too much for the City to handle, we ask the developer to provide a fiscal impact. Councilor Williams stated the developer will have to provide the study, and we would interpret it. Councilor Heleker pointed out that it can be an updated fiscal analysis such as if a development that came in previously, they could take that plan and update it. Councilor Williams stated he would like to see an example of a fiscal analysis.

Councilor Williams then pointed out his biggest concern on page 16, “to the extent possible where the proposed annexation will have negative fiscal impact”. We do not want our present citizens to pay for a future development. Williams thought that when we come to budgeting, and talked about Vistair coming into City limits, we talked about what impact that would have on the City. Are future Councils that put together future budgets, are we in fact not burdening the residents today with the cost that may be associated with an annexation. How do we quantify that and make sure today’s citizens don’t pay for tomorrow’s citizens expenses.

Councilor Williams asked City Clerk Cordova what her thoughts were on the “onerous” parts of the application. Commenting on Williams’s last remark, that kind of information would be known if we had development impact fees Cordova explained. Regarding the application, the highlighted yellow sections are not in the annexation ordinance, but were included in the application. When we went from a one page application, to our new application, everything was included. But it certainly can be changed to make it ‘friendlier’.

Councilor Mussell asked if the sections would be taken out. Cordova explained that we could take them out, or make them ‘easier’.

Councilor Klitch state that the complaints she was receiving, she could not find what they were speaking to in the annexation ordinance. When Klitch received the application, it did address the complaints she had received. It is not in the ordinance. With that said, Klitch would like to see the Council give the public the full three readings.

A motion was made by Councilor Klitch and seconded by Councilor Mussell to move Ordinance 1273 to its third reading at the next regular meeting of the Council.

After a unanimous voice vote, the motion  
CARRIED.

Councilor Williams asked for more information on the annexation application. On the bottom of the highlighted page, when he read the first one, "label and show the width, direction and flow of all water courses on the site", he thought that on some properties, there could be water coming from an adjacent property coming on to the site. Should we add it into the application? City Engineer Doug Argo explained that would have to include what is coming across the site, as well as what is generated on the site. It is already covered. We certainly don't want someone building houses in an area that is going to collect a bunch of water from above. That is the reason we use that to avoid that situation. Williams pointed out that if there was a lot smaller scale of development, and John Q. Public was trying to do his own thing here, should we be more explicit for the novice.

### **NEW BUSINESS**

#### **A. Application for a Mobile Food Service Vendor by Maria L Pinedo, dba Tacos of California, to sell food at 1393 S. Main Street, Payette**

Denise Garcia, 1393 South Main Street, Payette, stated they have found a new place to put the taco truck. They are buying a new home. It is in a commercial/residential area, and it is almost an acre.

Mayor Henderson asked if the area was paved. Ms. Garcia explained that it is not, but they intend on paving the area. It is just south of Nelson Metal Works. Councilor Nelson asked if they were planning on living in the house. Ms. Garcia replied yes. Councilor Klitch stated that it appears they have met all of the requirements of the City, and this is their third time they have tried to find a location. They are locating in a commercial zone. In some ways it will be a benefit to the community. On the weekends and on Saturdays people will come to the business.

A motion was made by Councilor Klitch and seconded by Councilor Heleker to allow Maria Pinedo to operate a taco truck at 1393 South Main Street, when she acquires the property, and that the permit is good for a permit of one year, and that the permit is re-visited upon any complaints.

In discussion, Councilor Williams asked if we need to consider hours of operation. Ms. Garcia did not know what their hours of operation would be at this time. Mayor Henderson asked Garcia what the latest they would be open was. Councilor Klitch noted that they are asking to be located in a commercial zone, and she believed they should be allowed to operate any hours. Ms. Garcia stated they would be open until at least 3:00 AM.

Mayor Henderson asked what type of lighting they were planning to have. Ms. Garcia responded that they will have really good lighting. There is a lot of lighting outside the taco truck, but they are going to put more lighting up because they don't want it dark. Chief Sands stated that when dealing with residential and commercial property, if the front of the property is going to be used commercially, and the back of the property is going to be used residentially, then different rules could apply. Perhaps only the front two hundred feet of the property should be used commercially. Mayor Henderson asked that these issues be addressed at the Planning & Zoning Commission meeting.

Councilor Klitch called for the question.

After a unanimous voice vote, the motion  
CARRIED.

### **B. Resolution 2007-02 Establishing Building Permit Fees**

City Clerk Cordova explained that the Payette Municipal Code, Section 15.04.010 adopts by reference the most recent edition of the International Building Code. The IBC now requires that building permit fees are established by the governing body. This was brought to our attention by the Building Inspector that we currently do not have any fees established by resolution. The table before the Council tonight is established by the 1997 IBC, and is what we have been using, and our surrounding neighbors have been using.

A motion was made by Councilor Klitch to adopt Resolution 2007-02. The motion was seconded by Nelson.

After a unanimous voice vote, the motion  
CARRIED.

### **C. Resolution 2007-03 Idaho Gem Grant Application**

Mayor Henderson noted that this is in support of an application for an Idaho Gem Grant. It is for a feasibility study for the pre-treatment of waste coming from our industrial area. It is just a study to look at the feasibility of it, and if it's a plan that we can move forward with. The Commerce Department advised us that we should move forward with it, and they would most likely approve it.

A motion was made by Councilor Heleker and seconded by Mussell to approve Resolution 2007-03.

After a unanimous voice vote, the motion  
CARRIED.

Councilor Nelson asked how much the study would cost. Mayor Henderson stated we are going to ask for \$15,000.

### **D. Ordinance 1274 – An Ordinance of the City of Payette, Idaho, Amending Section 12.04.270 of the Payette Municipal Code to Allow a Minimum of Seventy Feet Right of**

**Way on a Quarter Section Line; Setting an Effective Date; Establishing Severability; Establishing a Repealer.**

A motion was made by Councilor Mussell and seconded by Councilor Klitch to introduce Ordinance 1274 by title only.

After a unanimous voice vote, the motion CARRIED, and City Attorney Osborne read Ordinance 1274.

Mayor Henderson explained that essentially what we are doing here is changing the minimum right of way from eighty feet to seventy feet for quarter section roads. Through discussion, we have determined that seventy feet will more than do what we need to do. This will give developers/land owners ten more feet to sell and make money on their property.

City Clerk Cordova explained that this ordinance does establish a minimum right of way. If the City feels it is necessary to acquire eighty feet of right of way, we will still have the ability to require that. If we feel that seventy feet will meet our needs, we can accommodate that.

A motion was made by Councilor Mussell to suspend the rules and pass Ordinance 1274 on its first reading. The motion was seconded by Klitch.

In further discussion, Councilor Heleker asked for justification for the eighty foot right of way, versus the reduction to seventy feet on the quarter section line. City Engineer Doug Argo explained that the eighty feet on full section lines, for example 7<sup>th</sup> Avenue North and Center Avenue, those are main traffic corridors; quarter section lines we don't typically have a through corridor on those lines. Instead, there is a one mile grid we are setting out as our eighty foot main collectors. That is mapped out in our master transportation plan as well. The quarter sections are more of a minor collector street, and we don't need the full eight foot right of way. On 7<sup>th</sup> Avenue we are using all 80 feet so we can install drainage features and manage our storm water better. Councilor Heleker asked if a quarter section line is not ever intended to be a major collector. Argo explained that it is an in between. If it is considered a collector, typically we want to minimize the access on the roads. Center & Payette Heights are slated as arterials in the transportation plan, which means no driveways backing out on to them. With an eight foot right of way, if you need to add lanes, you can add it without buying additional right of way. In addition, there is a developer talking to us about Payette Heights and Center right now. If he comes in, that will put a lot of pressure on those roads, and it will be very apparent why we need the eighty feet.

Councilor Mussell asked if this is developer friendly. Argo stated yes. They can have more land to sell. Councilor Williams noted that if we can easily accept seventy feet, in the interest of efficiency, what is to say sixty or sixty five is not the right number. Argo replied that sixty feet is not enough for four lanes of traffic. We need to keep our options open. Once you sell right of way, and houses are built, it is extremely difficult to get that five feet back. If we take it up front, it does not hurt the developer as much. Certainly there is an impact for the developer; it's not free. It is a whole lot different when we have to go and take out people's yards and trees like we are doing on 7<sup>th</sup> Avenue North now. Councilor Williams asked if sixty five feet would work. Argo explained in his opinion, it would not be a good choice because if you are going to put in two traveled lanes, that is 48 feet of pavement, plus curbs and sidewalks which

comes to 58 feet, and in the additional couple of feet you have to have meters, drainage, and fire hydrants. 65 feet won't be enough to do that. Williams explained that he wants to be more pro-growth, and he is just trying to get the message across to not only the Developers, but also the Council. The issue that will have the most significant impact to the developer is the fifty feet vs. sixty feet road sections within a subdivision. Those are roads that have no possibility of being extended; they are walled in by houses all around. We can get our 37 feet street section plus the eight foot sidewalks, and still have 2.5 feet on each side of the sidewalks for utilities, meters and hydrants. That has been proven to be adequate in lots of places throughout the country. What do we need the extra ten feet of ROW on those types of roads, we may not. That would have a significant impact on developers because there a lot of local roads in a subdivision.

Councilor Nelson asked what is the width of 2<sup>nd</sup> Avenue. Argo believed it is 100 feet, but it may be 80 feet. Chief Sands stated that Farber Drive is an example of a narrow street. The lot size is not big, and people park on the street. Perry Drive is very narrow and difficult for emergency services, snow plowing and street cleaning. Argo explained that our standard now is 37 feet for local roads from back of curb to back of curb, which is enough room for 12 foot lanes and parking on the side. It is reasonably comfortable to pass on both sides. It is too narrow for a collector street. Chief Sands stated the narrowness is not a big deal if there are several entrances and exits, but the narrower it is, the more ingress and egress is needed.

After a unanimous voice vote, the motion CARRIED.

A motion was made by Councilor Heleker that Ordinance 1274 due pass.

After a unanimous voice vote, the motion CARRIED.

### **DEPARTMENTAL REPORTS**

Written reports were presented to the Council.

### **CITIZENS COMMENTS**

Patty Thurer, 805 2<sup>nd</sup> Avenue South. A few weeks ago when the weather was nice, she took her four children, all under the age of 6 to Central Park. On that day, she had a three month old on her back, a three year old next to her, and her other two were playing. An English bulldog took off after her three year old. She did not sense the dog was vicious. But it scared her daughter. Both owners were there and they had a leash. They called the dog, and he did not respond. She asked the gentleman to put his dog on a leash and keep it away from her kids. His wife was offended and said 'my dog can run in this park, it is a family park and doesn't have to be on a leash, and is more valuable than anything you own'. She became verbally abusive. Ms. Thurer then called Councilman Williams, and then Councilor Klitch. Ms. Thurer asked if we can post no dogs in the part and make it more publicly displayed.

Mayor Henderson stated that new signs have already been ordered and should be here tomorrow. They state "No Animals Allowed in Park" and will be displayed prominently in the park.

## **MAYOR'S COMMENTS**

Mayor Henderson informed the Council of the following:

- We are looking at making some speed limit changes in the City. One place is on Highway 95, traveling south to the light; apparently they did not do a study. We have contacted ITD and they are supposed to be conducting a study on that. We are also looking at slowing traffic down between 3<sup>rd</sup> Avenue South to 6<sup>th</sup> Avenue South on business 95, along Kiwanis Park from 35 to 25. And, we want to establish a school zone around the high school on 95. Councilor Nelson stated around UPS, it is puzzling to him where it is 35 on 2<sup>nd</sup> Avenue South through residential. In addition, someone asked if the light is going to be blinking after a certain hour. Mayor Henderson explained that with the sensors, unless someone approaches the light from 7<sup>th</sup> Avenue North, it will stay green on 95.
- We will be having a photo op dedicating the light at 10:00 AM Wednesday.
- We have had a number of requests by people to have an area where their dogs can be off of a leash. May change the ordinance to allow dogs unleashed on the unimproved portion of Gateway Park. Councilor Klitch wondered what liability the City would incur. City Attorney Osborn advised that we wouldn't have a liability if it were posted. Councilor Williams said that at one point we were looking at Hanigan Park being a dog park. Mayor Henderson replied that is also under consideration. Councilor Heleker pointed out that the locations that we are considering allowing dogs; we should have dispensers and disposals.
- The Saturday before last, the Payette Municipal Airport fly and flagpole dedication was very successful with 75 planes.
- Next April 2 at 7:00 PM is the next meeting.

Councilor Williams stated that at the next meeting on the agenda can we make a proclamation about what we are doing at the airport. Mayor Henderson replied that we are working on that right now. He has been talking to the Commissioners and we are working on some sort of an agreement to stabilize the airport and also add some people that would throw in to the pot to pay for it.

## **ADJOURNMENT**

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

After a unanimous voice vote, the Council adjourned at 8:00 PM.

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

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DOUGLAS E. HENDERSON, Mayor

ATTEST:

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Mary Cordova, City Clerk