

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
December 4, 2006**

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

Members Absent: None

Also Present: Mary Cordova, City Clerk; Kellie McCombs, City Treasurer; Mark Clark, Chief of
Police; Doug Argo, City Engineer; Jeff Sands, Fire Chief; Randy Schwartz,
Wastewater Superintendent

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

Mayor Henderson announced that after the discussion during the last meeting, and through some careful consideration, starting with the December 18, 2006 Council meeting, a public comment section will be placed on the agenda between Departmental Reports, and Mayor's Comments. However, the Mayor reserved the right to re-arrange the agenda for special circumstances.

Mayor Henderson continued that public comments will be kept to 5 minutes per person, and encouraged those who have individual comments on agenda items after the agenda comes out, to submit written comments on those specific items until 5:00 PM the day of the meeting.

APPROVAL OF MINUTES

A. 11/20/06 Regular Meeting Minutes

A motion was made by Klitch and seconded by Heleker to approve the regular meeting minutes of 11/20/06 as presented.

Hearing no objections, the meeting minutes were APPROVED.

APPROVAL OF BILLS & PAYROLL

A motion was made by Hanigan and seconded by Nelson to approve the City Bills & Payroll in the amount of \$201,200.56.

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

The motion CARRIED.

COMMUNICATIONS

Gene Gray, 2393 Watts Lane, Payette, chairman of the Payette Forestry Committee, informed the Council that they have sent an application to the State of Idaho to be a Tree City USA for 2006. They had also applied for the Growth Award. All of this means that we have a fine Mayor and City Council. We also have a great parks department.

Mr. Gray continued that most important of all, they have applied and received a \$15,000 grant for more trees. They will put in about 15 trees in Kiwanis Park, and taking out about 7 of the Chinese Elm trees. About 8 new trees will go in Centennial Park and about 7 in Gateway Park. They also received enough money through the grant to purchase two new picnic tables.

Mayor Henderson asked what the purpose of removing some trees is. Mr. Gray explained that some trees will be removed because they are old, falling apart, and in bad shape.

Mr. Gray stated that we lost an icon of trees in this County last year when Warren Carnefix passed away. They would like to place a memorial for Warren in Kiwanis Park. Mr. Carnefix did more for horticulture in the State of Idaho probably more than any person living now. On Arbor Day, they would like to have a memorial put together for him and have it in Kiwanis Park. No objection was heard from the Council.

Mr. Gray stated that the City has to match the grant funds with \$1,800. The City can match that amount with in-kind funds. Mr. Gray asked the Council for permission to accept the grant funds.

Williams moved to approve the grant from ITD.
Mussell seconded the motion.

After a unanimous voice vote, the motion
CARRIED.

SPECIAL ORDERS

None heard.

PLANNING & ZONING

A. Variance Request ~ Southwest District Health

Bruce Krosch, 920 8th Street, Caldwell, Idaho, representing Southwest District Health (SWDH), asked for permission to construct a metal storage building on their property on 3rd Avenue

Councilor Klitch made a motion to
approve the variance request of SWDH, following
the recommendations of the Planning Commission,

and, in addition, negotiating the placement of a fire hydrant, and ensuring the ditch is built to bear the load of a fire truck; and adhering to the 2003 International Fire Code. Councilor Heleker seconded the motion.

The motion CARRIED with a unanimous voice vote.

UNFINISHED BUSINESS

B. Application for Mobile Food Service Vendor ~Maria L. Pinedo – Tacos of California

Maria Pinedo, 109 N. Main Street, Payette, Idaho, addressed the Council. Ms. Pinedo explained to the Council that they have spoken to their landlord, who still owns their building. They asked for permission to park their mobile taco truck in her parking lot, and she gave her permission. Ms. Pinedo explained that the opening of the taco truck will face away from the sidewalk. They are not putting up any tables, but maybe in the summer. The opening to the truck will be facing the restaurant building. Hanigan asked if there would be drive through service, or walk up service in the parking lot. Ms. Pinedo stated it would be a walk up service. Hanigan asked what the intended hours of operation are. Ms. Pinedo replied that right now they are thinking Friday, Saturday & Sunday, with Friday and Sundays closing at 11:00 PM. They will close a little later like 2PM on Saturday.

Chief Clark noted that they own a drinking establishment. He is concerned it will bring people from the drinking establishment out into the street. That has potential for problems. He has not been able to talk to them about curbing some of that activity. Del Christian is here tonight and would like to voice his opinion on the issue. The Police have answered several complaints from business in the area with issues involving the dance that is conducted every weekend. It usually draws in 100 to 200 people. There are issues with parking right now. It sounds like this taco truck will cater to their business and their dance.

Mayor Henderson asked when they plan on opening the mobile truck if it is approved. Ms. Pinedo stated as soon as they get the necessary supplies, they will start up. Mayor Henderson said there have been a number of complaints from the neighbors, perhaps we should have a public hearing prior to making this decision.

Fire Chief Jeff Sands stated they met with some people on the restaurant, and they are going forth with the remodel of the restaurant. There is demolition presently happening in the back of the building. Chief Sands noted that we are filling that corner up with a lot of people, and there is not enough room as it currently stands. Chief Sands noted that filling up the corner even more, could prohibit the issuance of a catering permit, as there has to be parking for the activity.

Heleker noted we talked a little bit about facilities within the existing building and what it would take to put this type of operation within the existing building. Chief Sands explained that they would have to put it in per the 2003 International Fire Code. Heleker stated that there is a lack of space; he would like to see the business be successful.

Klitch stated that she has it on good advisement that the building would be occupied or they wouldn't be spending money on signs. She did offer that it is a good idea that food is available because when people drink, when there is food involved, it has less of an effect. Second, maybe not a mobile vendor, but maybe it should be a street cart that could make the business more viable. Klitch agreed with the Chief that it is putting people at risk, and placing a large amount of people in one spot after hours on the street.

Nelson asked if the mobile truck has been purchased. Ms. Pinero replied yes, they have put a lot of money into it. Nelson liked the idea of a public hearing and getting further input on it.

Klitch asked that the owner of the lot be present at a public hearing.

Mayor Henderson stated that even if we made a motion to approve this, it would only be temporary until the new owner opens up. He would hate to see any more expense and troubles over something that will only remain open a month.

Ms. Pinero asked to be informed of the people who have complaints so they may determine what is going on, and what changes need to be made. They have not been informed of any complaints. They want to work together and be an asset to the community.

Klitch moved to hold a public hearing regarding issuing a mobile food vendor permit. The motion was seconded by C. Heleker.

A. Idaho Community Review – A Community Visitation and Assessment Program

Klitch moved and Heleker seconded a motion to send the recommendation forward with the following as our focus areas:

- Arts, Historic & Recreation Resources
- Infrastructure
- Seniors & Youth

After a unanimous voice vote, the motion CARRIED.

C. Ordinance 1272 A or B or C – An Ordinance of the City of Payette, Idaho, Amending Section 13.08.070 of the Payette Municipal Code to Change the Sewer Rates; Setting an Effective Date; Establishing Severability; Allowing for Publication by Summary; Establishing a Repealer

A motion was made by Mussell and seconded by Nelson to introduce Ordinance 1272 by title only.

After a unanimous voice vote, the motion CARRIED, and City Attorney Osborn read Ordinance 1272 by title only.

Mayor Henderson noted that on this ordinance, we had option 'A' which was the \$450,000 level, 'B' which was the \$500,000 level, and 'C' requested by Councilor Williams.

Treasure Kellie McCombs noted that under option "C", we are not budgeted to place \$8.33 in to a rehab fund this year. If we do that, we will have to take the funds out of operating expenses. Perhaps if we can keep the \$8.33 in mind, we can look at it again during the budget process, but we didn't budget for it this year.

Mayor Henderson said that we are putting \$6,000 in the rehab fund each month. If we change the amount to \$2.55, it will meet the amount budgeted for this year.

Mayor Henderson continued that if we do this, option 'C' is basically option 'A' for nine months. This will cover the expenses we budgeted for, period. There will be no money put in rehab or unencumbered funds. Next year we will still need the \$330,000, plus, we supplemented this year's budget with about \$315,000 from unencumbered and rehab funds this year. We are talking about \$675,000 we have to make up if we don't severely cut the sewer fund budget next year.

Nelson asked where is the language to stop the increase at the end of the year. Councilor Williams explained that it was his intention come October 1, we are going to be on pace next year to collect \$440,000. Mayor Henderson noted that it will still not change anything for this year. All it takes into account is the \$330,000 which is needed this year.

Heleker stated that if he was setting up a payment plan like this, it sounds similar to a balloon payment that is going to be hanging out there. The citizens won't be happy with a sewer rate increase, but they may be less happy if we get along with the bare essentials now and we slap them with a big payment at the end of this.

Mayor Henderson stated that no one appreciates an increase, we all have to pay this. We don't like to see an increase, and then six months later another one. We need to focus on fixing the problem, and not putting a band aid on it.

Mussell replied that this is not putting a band aid on the problem. It has been presented to us that we need to put this money aside for mandates that might come down. That is still an unknown, but at this point we are more than doubling the rates right now. The citizens as a whole would appreciate us not taking too much at one time. If we do need to revisit it in a year, that's our job. Mussell did not think we shouldn't go out too far ahead and then have to scale back later.

Mayor Henderson stated that this is stuff we budgeted to do this next fiscal year. Right now, implementing ordinance 'A' for nine months, would generate roughly just over the \$330,000 we are talking about. There will be nothing left over at the end of the budget year. During the next budget session, we will have to consider another increase, or some pretty severe cuts.

Klitch asked if this will include the circuit breaker information, and do we have a contract with Seneca yet? Mayor Henderson replied that we have a meeting with Seneca in mid-January. Klitch agreed with Councilor Mussel that when the budget was passed, it had an expenditure of \$330,000. That is all we should be taking. She disagreed with waiting until October 1 to talk about this again, and in March we need to look at where we are and look at the rehab fund, and look for a sewer increase, and perhaps a water increase. Currently, we sent forth a

budget with a \$330,000 revenue and a \$330,000 expenditure and ordinance 1272 'C' adequately covers that.

Klitch moved to suspend the rules and pass ordinance 1272 'C' on its second reading with the change of \$2.55 to be placed in the rehab fund. The motion was seconded by Mussell.

Councilor Heleker was hesitant as we may be looking at too great of an increase at once rather than a little more of an increase at this point.

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

The motion CARRIED.

Klitch moved that 1272 'C' do pass. The motion was seconded by Mussell.

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

The motion CARRIED.

NEW BUSINESS

A. Final Plat Application, Tumbleweed Development Co. ~Two Rivers Subdivision, Phase II

Brad Smith, 2607 N. Mountain View Drive, Boise, a partner in Tumbleweed Development, addressed the Council. Doug Argo stated that the applicant was intended to be in at the last meeting, but everything was not quite ready, and therefore was not on the agenda.

Mayor Henderson stated we have started phase one, and everything has gone smoothly.

Klitch asked Doug Argo if this has been given his stamp of approval. Mr. Argo replied that he has reviewed it, and there were a few little things that needed to be cleared up. He has a new set of drawings, and except for one minor issue regarding an erosion control note and a retention pond, to be placed on the plan. In addition, we need a financial commitment letter in lieu of bonding, and the Council approval on the addendum to the development agreement. With those three things, the plan and the plat are ready to go forward.

Klitch moved to approve the final plat for Phase II with the following conditions:

- Engineers request for erosion control is met
- Financial commitment letter is submitted.

The motion was seconded by Williams.

After a unanimous voice vote, the motion
CARRIED.

B. Approval of 2007 Business License Applications

A motion was made by Heleker and seconded by
Mussell to approve the 2007 Business License
Applications as presented to the Council.

Williams asked Treasurer McCombs how the fees are set. McCombs replied that the fees are set by ordinance, and the liquor licenses are set by Idaho Code. Mayor Henderson noted that we will have a workshop on the whole business license process.

After a unanimous voice vote, the motion
CARRIED.

C. Mayoral Appointment of Municipal Coordinator/City Clerk

City Clerk Mary Cordova has completed her six month probationary period. Mary Henderson asked the Council to approve his appointment of her through January 7, 2008.

Williams moved to approve the appointment of Mary
Cordova as City Clerk through January 7, 2008. The
motion was seconded by Heleker.

After a unanimous voice vote, the motion CARRIED.

DEPARTMENTAL REPORTS

Written reports were presented to the Council.

City Clerk Cordova informed the Council that the street department is finishing up with fall clean-up. As of last Thursday, they hauled away 260 dump truck loads of leaves and limbs.

Mayor Henderson noted that fall clean up is a great service for the City, but would like to see us as a council more narrowly describe how this process works. It seems this was a bad year with some people placing their leaves out in July and August. With us not picking it up till November, it caused a lot of hazards and complaints.

MAYOR'S COMMENTS

Mayor Henderson informed the Council of the following:

- Keep in mind that the first meeting in January is on Tuesday the 2nd due to the holiday.
- Heleker mentioned that Urban Renewal Committee have received the resignation letters of Mayor Henderson and Kellie McCombs. They have been replaced with Gary Youngberg and Bill Bommersbach.

ADJOURNMENT

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

After a unanimous affirmative voice vote, the Council adjourned at 7:55 PM.

Signed this _____ day of _____, 2006.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk