

**MINUTES  
PAYETTE CITY COUNCIL  
REGULAR MEETING  
September 17, 2007**

**6:30 PM – Public Hearing**

After a quorum was established, City Attorney Bert Osborn opened the public hearing for the matters below:

- A. A Variance request by Ken and Dave Olsen of K & D Country Motors from the requirement of PMC 17.72.020, construction of curb, gutter and sidewalk, and PMC 12.04.250 (D) construction of curb, gutter and sidewalk in commercial areas. The property is located at 1384 S. Main, and is further described as Lot 9 in Block 2 of Southpark Subdivision, Payette.

Dave Olsen, 25114 North Middleton Road, Middleton Idaho, 83644 addressed the Council. Mr. Olson explained that what they are asking for is some time in working on the curb and gutter. They have hired an engineer. They were asked to pave and contain their water on their property, and put in curbs and gutters. They have the engineering complete for the French drain and a topo survey completed.

Mr. Olsen continued that they started out with a budget at the beginning of the year, and to this point, it is almost gone because of the engineering fees. Olsen said they did not know they would have to do all of this when they purchased the lot. As the process went along, they used up their funds. The curb and gutter, if it is a standard curb, they can't move cars in and out of the property. They will lose 9 parking spaces if they have to put in a sidewalk, which makes it not worth a car lot. If they have a rolling curb, it would allow them to drive cars on and off of the property.

Mr. Olsen presented the Council with receipts of what they have done to date. They hoped to have the paving done by June, but didn't know they had to install curbs and gutters. Olsen said they love the City of Payette, and are familiar with small towns. They are providing a small service to people with the cars. Olsen presented the Council with pictures of their property. He stated there are no curbs and gutters on either side of Mountain View. They want to participate in an LID when the rest of the street has to conform. The problem they are looking at now is if they put it in, with the limited amount of funds they have now, it will put them out of business. They are hoping for an extended period of time where they can sell a few cars, build up some capital and put it in their budget for next year. They don't want it to be an eyesore for the area. They love Payette. If they can pave it next year, and the following year with the curb and gutters; they don't have deep pockets. Olsen explained that this is his third job, and he is trying to better himself and his family, and trying to provide a service to everybody.

Olsen presented more pictures to the Council and said he is not saying he doesn't want to do this, but the curb and gutter is going to nowhere. If the curb and gutter was there, we know we have to do this. We are just asking for time or some leniency on this. If there is an LID, we'll do it at that point.

Councilor Nelson asked why 9 spaces would be lost if sidewalk would be installed. Olsen said he was told they couldn't have a rolling curb. They were told they had to enter their property near where they have a tree. The access is so small, without a rolling curb, it would be extremely limited as to where they could come in and out. Nelson asked how many feet from the sales shack to there the edge of the lot is. Olsen said eight feet. Olsen continued that currently they come on to the lot on Main Street,

but was told by the City Engineer that they can no longer access off of Mountain View unless it is farther down the street because it is too close to Main Street. Councilor Nelson stated it would be a safety hazard for those turning the corner.

Councilor Mussell asked if the road is too narrow for city standards. Councilor Hanigan asked City Engineer Argo if it could be determined where the sidewalk curb and gutter would go on Mountain View so it wouldn't encroach on the investment they might make. Argo explained that the plat for Southpark Subdivision, which includes this property, has a fifty foot right of way dedicated to the City along Mountain View. As we've seen in recent subdivisions, curb gutter and sidewalk would fit easily within the right of way.

Councilor Nelson asked what the right of way on Main Street was, because a lot of other property owners seem to be in the right of way. Engineer Argo explained that the right of way is unknown because the property markers have not been identified yet. If you line up the fence lines along there, it is generally close to the property line. The fence in the photo should be close to the right of way line. It looks like the cars may be sticking out four or five feet into the state right of way.

Mayor Henderson asked Mr. Olsen when he planned on paving the parking lot. Olsen replied that they originally had it set for June 1, but because of the conditions such as the French drain and the curbing, they can't pave until everything is completed. Right now we are at our funds end, but by June 1 of next year, we could have that done. We couldn't pave this year because we had to contain water on our property so that's where we spent part of our funds.

Mayor Henderson asked when did they find out about the requirements. Olson said that when they hired the engineers, they thought they would take care of it for them. It seems like every time we get ready to pave, we didn't know we had to do french drains. Prior to June we found out we had to contain water, so it messed up our time frame.

Councilor Williams asked for clarification on the plat map, and asked how far back the property went to the west, and where the boundaries are on the topo map. Williams asked why they did not take out the tree to make room for the cars. Olsen said that is a possibility. The problem is we have to curb and can't use the access off of Mountain View, but the lot is so narrow. City Engineer said the access on Mountain View should be at least 100 feet back from Main Street. That would leave him approximately 50 feet to the back of his property.

Williams asked if we've ever done a one lot LID.

Mayor Henderson said it appears they are parked on State right of way. Olsen said each time they think they have something resolved, something comes up. We are working through it, but we just need a little help is all.

Councilor Nelson said it sounds like they know what needs to be done now. What kind of time line would Olsen hope for if they were granted more time so they could budget it out. Olsen said in the last meeting, they said two years. The paving was \$20,000. We don't sell very many cars. We may sell two cars a month. Basically, it is more of an investment to us. It is nothing we make a living off of. There is one disabled gentleman living on the property who runs the business. We are trying to do things as fast as we can, but engineering fees are 7-8,000 dollars, paving is 20,000 dollars, and that is not including sidewalks. When you start adding it all up, it becomes huge.

Mayor Henderson recapped Mr. Olsen and said what he was telling the Council is they are not making money doing this; they know what it is going to cost to get the improvements done, why are they doing this. With the size of the lot, and once all of the improvements go in it will be smaller, and money can't be made with the business now to sustain what they are doing now, how will it work out if

all of the requirements are complete. Olsen said they know at this point, they have to build their clientele. In time, that is what they are hoping for. As time goes along, the business will increase. They hope it will in the future.

Councilor Heleker said he appreciates the fact that they want to locate their business in Payette. We would like to keep that business in town. But looking at the restrictions on the lot, he appreciated what the Mayor said. It does take some time to get established, but if you are too limited in what you can do...It sounds like it is a great hardship if you have to put in the curb and gutter, and Heleker was concerned that there will never be that upside where it will be easy to get it done. Olsen said they did not start the business to lose money. They have faith in Payette, otherwise they wouldn't be here. They want to build a clientele. Heleker asked if they cannot have enough cars on the lot, would it be enough to generate income. Olsen explained that they have enough cars, they just need business.

Councilor Williams said that safety is the most important thing here. If the Council were to grant any kind of time, would it be an inconvenience to not access any closer to Main, can they make it work. Olsen said they would make it work. Williams continued that if the Council could give them more time, but want to create an LID to make sure this gets done in two years, would he be willing to enter into something like that. Olsen said he'd have to talk it over with his father, but did not see a problem. Olsen continued that aesthetics is a lot to people looking at things. They do not have the curb appeal at their business, and it is hurting their business. That is why they want to get it paved to look nicer. They have never started a car business, and did not know what it entailed. They did not know what the rules and regulations were. Olsen continued that to be honest, he has not gone over every line on everything and said part of it he realizes is his negligence. He tried to do the best he could by hiring engineers.

Councilor Nelson asked if they were going to pave to the existing pavement or to their lot line. If they leave a gap, it will break up their pavement.

Ken Olsen, 22160 Rio Vista Drive, Caldwell, Idaho addressed the Council. Mr. Olsen pointed out in a picture of a car going down the street (Mountain View Drive) and where the truck was positioned in the street in comparison to his property. Councilor Nelson asked if they would have room behind their building for access. Mr. Olsen said the City Engineer has is unfair. They could back up the cars more if they had to.

Mr. Olsen said the sidewalk would go nowhere down Mountain View. It didn't make sense to him to have a sidewalk that would be so close to his trailer. Mr. Olsen invited the Council to go down Mountain View and see for themselves. He'd be more than happy to put a sidewalk in if all the neighbors had to do it. Mr. Olsen said he'd borrow money to do it if the neighbors would do it too. It seems like they are being picked on. Every time they go to a meeting, Mary said you have to contain water. The next meeting they were told nothing. Then they found out about sidewalks from Basic Engineers.

Mr. Olsen said the last meeting they had with Planning & Zoning nothing was brought up about land surveys. His engineer said it was nonsense, the topo map has it. We'd of had this done without an engineer. It don't make sense, but they will do whatever the City wants.

Mayor Henderson stated that he was looking at a letter from February 8, 2007 to Mr. Ken Olsen, that states as part of his business license he will have to comply with section 17.72.020 of the Payette Municipal Code, and that refers to the surface, paving, curb, gutter & sidewalk, drainage, lighting and other things. Seven months ago, he was told he had to comply with those requirements. Mr. Olsen said he's never seen that letter.

Mayor Henderson said he is looking at another letter on June 4, 2007, that refers to the same section of Municipal Code, and refers to the letter of February 8 that originally informed of the requirements. We are seeing a lot of paperwork that says Mr. Olsen was informed of the requirements, yet Mr. Olsen says he was never informed. There are some discrepancies there. Mr. Olsen said Mary came up after a meeting and informed us of the water. We never heard of paving.

City Engineer Doug Argo, 32 N. Main in Payette addressed the Council. Safety is the foremost issue. Accessing that close to a major street with cars making a right turn with parked cars right on the corner, there is no way a car can see if someone is coming out onto the road at the existing curb. That presents a safety issue that in his opinion the City is negligent to knowingly allow to continue.

Argo continued that with regard to the existing curb there, there are some existing curb and sidewalks to the west. If you look at your aerial, it does show there is plenty of room for curb, gutter and sidewalk all down Mountain View. Another point that is in the February 8 letter that references 17.72.020 of the code, if a parking lot goes to the edge of a right of way, they do have to put in curb stops. It is to keep from cars going into the right of way where they don't belong.

The distance for a curb cut from the intersection is not spelled out in code, but using guidelines which ASHTO has safety standards which you need to have a very sound, logical argument to violate the parameters. That is where the 100 feet comes from. The owner has just stated that numerous things were unclear, and these requirements were not told to him. In the February 8 letter does reference the section of code with all of these details in it. They did not receive that letter, but their July 2 proposal, which they signed, from their engineer outlines all of the details that are required, and they are the same details that are being required today. A boundary survey is in the proposal, along with all of the other requirements. The topographic survey does not identify the property corners, and does not go to the west end of the property. The cars shown in the photos taken last Friday were in the right of way, and the owner indicated they will be moved. Regarding drainage, or curb gutter and sidewalk, when someone obtains a building permit it is a requirement. In many cases that does not work well because there may be times when there is no surrounding curb and gutter, and it could cause drainage issues. This instance there is an existing storm drain at the corner of Main and Mountain View on the end of the existing curb. The drainage would tie into that, and it makes perfect sense drainage wise. The sidewalk would make a nice natural extension, and enhance the entrance to the City.

Councilor Nelson asked if there were others existing sidewalks, curb and gutters on Mountain View. Argo replied yes, there are at least two.

Councilor Mussell said that 100 feet seems excessive. 50 feet would be plenty safe. 100 feet back from a corner on a not very used street seems excessive compared to the rest of the City. Argo replied that you have to consider what side of the street you are on. Homestyle Pizza is on the south side. Mussell pointed out several dangerous curb cuts.

Mayor Henderson stated we are not only setting safety regulations for today, but we are setting them for the future. He knows there are a lot of streets that were slow ten years ago, but are very busy today. In addition, to say that there are unsafe areas other places, we ought to let this one exist did not make sense.

Councilor Hanigan said could the sidewalk be made to residential standards rather than commercial. Argo replied that is not unreasonable.

Councilor Williams said as a compromise, looking at safety, Phillips just went in not long ago, and is it 100 feet back?

Mayor Henderson stated that this is a car lot, perhaps that is more of a reason to have a standard commercial sidewalk as people will be standing on the sidewalk looking at cars.

City Clerk Cordova stated that Mr. Olsen is correct that we did speak after a meeting back in February for a conditional use application to allow a residential use on the commercial lot. At that time he was informed of the zoning requirements. We have worked very closely with the state, and we have received previous drawings from Mr. Olsen of his proposed landscaping and new driveways. We have kept a pretty good paper trail of our expectations for this business. We do want the Council to also consider we have make the commercial neighbors comply with these zoning requirements.

Mr. Dave Olsen said there has been a lot of confusion. We are not saying we don't want to comply with any of these items. We do want to comply, we are just asking for time. If we can do an LID, that's what we'll do. If we are allowed two years, that's what we'll do. A lot of the confusion has been taken care of.

Hearing no other comments, City Attorney Osborn closed the public hearing at 7:35.

The Council recessed from public hearing to convene into regular session at 7:45.

### **7:45 Regular Meeting**

A regular meeting of the Payette City Council was called to order at 7:45 PM by Mayor Henderson in the City Council Chambers of Payette City Hall, 700 Center Avenue.

#### **ROLL CALL**

Members Present: Mayor Henderson, Ivan Mussell, Jeff Williams, Mark Heleker, Lee Nelson, Georgia Hanigan

Members Absent: Vallery Klitch

Also Present: Jeff Sands, Fire Chief; Kellie McCombs, City Treasurer; City Attorney Bert Osborn; Police Chief Mark Clark; City Engineer, Doug Argo; Police Captain Dave Platt; WWTP Superintendent Randy Schwartz

#### **PLEDGE**

Mayor Henderson led the Pledge of Allegiance.

Councilor Williams moved to add an Executive Session per Idaho Code 67-2345 to discuss property issues, business negotiations and personnel issues. The motion was seconded by Nelson.

No objections were heard from the Council.

#### **APPROVAL OF MINUTES**

No minutes were presented.

## **APPROVAL OF BILLS & PAYROLL**

A motion was made by Nelson and seconded by Williams to approve the City Bills & Payroll in the amount of \$220,926.07.

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. Appointment of Airport Commission Member Gary LaMue**

Heleker moved and seconded the motion to approve the appointment of Gary LaMue to the Airport Commission.

No objections were heard from the Council.

## **NEW BUSINESS**

### **A. Variance Request by Ken & Dave Olsen K& D Country Motors**

Councilor Heleker said that 'curb appeal' is very important, and it speaks to the need of curb, gutter and sidewalk. They are talking about time to get it done, and he would be in favor of possibly considering, but would want that corner to look like a nice business section of our community.

Councilor Williams said it is paramount to create jobs, and one of the most important things is safety. He would not be opposed to granting a variance if we put some teeth in it, and that there be no parking of cars in the right of way, and that would be prevented by curb stops. He was inclined to say lets create an LID, lets put it in, and they can start paying for it right away. We need to have it on the deed.

Mayor Henderson wondered if that is a precedent we want to set. Are we going to let future businesses go on revolving payment plan to do the requirements of City code? Williams said it may not be cost effective, but unless we put something in there that it is going to happen, who knows what two years will bring.

Councilor Mussell said that they are willing to do it, and as long as they are willing to do it in two years, it will get done.

Mussell moved to follow the recommendation of the Planning & Zoning Commission and grant a variance request to Ken and Dave Olsen for K & D Country Motors allowing the curb cut of not less than fifty feet to the intersection of Mountain View and Main Street and that they install the wheel stops so they won't be parking in the right of way. Nelson seconded the motion.

Heleker asked what that motion does for the curb, gutter and sidewalk. Mussell explained that would all be completed...the curb gutter and sidewalk would be completed two years from the time they started business. Planning and zoning said two years. Mussell said they should have everything complete two years from today's date.

Mayor Henderson asked for clarification- they don't have to pave, no curb gutter or sidewalk, no drainage considerations for two years. Mussel said, yes, that is what he was saying, but it is up for discussion. If the Council thinks they can pave and do the French drain and curb & gutter in two years, that is fine too.

Councilor Nelson asked Engineer Argo if this were to happen, what sequence would be best so you are not tearing up pavement, or having curb gutter or sidewalk with nothing out there. Argo explained that of the two, curb gutter and sidewalk are more durable for driving off of the edge than pavement is. If you pave it before the drainage is in, you have a mess. If you pave it before curb gutter and sidewalk is in – either way the design has to be done first so the pavement matches up with the curb elevation wise. Property lines would have to be identified.

Mayor Henderson said to the best of his recollection, in the past year we have required new businesses to do this, churches to do this, and they have all been able to accomplish it. He was not too sure that two years is too extreme.

Councilor Hanigan said she is not comfortable with the fifty foot designation for the curb cut. She thought it should be deeper in the property.

Mayor Henderson asked that the original motion be restated by Councilor Mussell.

Mussell said that his original motion was to grant the variance request that was recommended by the Planning & Zoning for Ken and Dave Olsen of K & D Country Motors to allow them two years from today's date to put in their curb and gutter, and also to make sure that they put curb stops in so they won't be parked in the right of way, and that they account for the drainage, so they keep the drainage in on their property, and also their curb cut on the west side can't be more than fifty feet.

Mayor Henderson asked if it would be simpler to say they must comply with all city requirements. Mussell agreed that sounds great.

Councilor Williams asked if we want to add any verbiage that if they don't have it done, they voluntarily agree to an LID. Mussell said you can add that to the motion. Nelson said he would second that.

Mayor Henderson clarified that if they don't do it in two years, then in two years, we'll start an LID. Mussell said that would give them an out, they need to get it done. Mussell said to keep the original motion.

Councilor Heleker echoed Hanigan's concern regarding the fifty foot curb cut from the intersection. Mussell said he can amend it to 75 feet if Heleker wants to second it. Heleker said he would feel more comfortable with that. Hanigan agreed.

Councilor Nelson said if you look at the side streets, a lot of them are like that. Hanigan said it doesn't make it right. Heleker commented that those worry him.

Councilor Mussell amended his original motion to 75 feet.  
Nelson seconded the motion.

No roll was taken on the amendment.

City Coordinator Cordova informed the Council that it is the strong recommendation of the administration that this variance request is looked at very closely. In the Council packet, there are certain conditions which must be met for a variance. The burden of proof lies on the applicant. Have they met all of the requirements necessary for a variance? Cordova then pointed out that next month will be a year. It sounds like they have everything under control now. She did not see two years from today as necessary. It is our belief that with the asphalt plants shutting down here in the near future, which is why they were granted the extension in the first place, two years is excessive. One year at the most should be allowed if the Council chooses to grant this variance. Third, creating an LID, does the City want to be bankers? We are not in the banking business. We do have a revolving loan fund for businesses. If they would like to apply for funds in that way to accomplish the work, that is also an option.

Councilor Williams moved to amend the main motion from one year to two years.

Mayor Henderson stated this should be tabled and considered at the next meeting.

Cordova requested that the motion be restated with all of the amendments.

Councilor Nelson said that we do not want to place any more of a hardship on this business for it to survive. That is what they are asking for is leniency to make sure their business survives and come up with the cash to do this. Mussell said we should be as business friendly as we can, especially with new businesses starting out in our community. We need all of the business we can get.

Mayor Henderson pointed out that we are not holding them to any standards we are not holding everyone else to. Are we saying that these are the standards you have to meet when you bring a new business into town unless you say you can't afford it? Councilor Nelson said we have given other businesses time to generate cash by selling lots and this and that to forward their project too. It is not a lot different from that. It is a different type of business, but raising cash.

Mayor Henderson asked Councilor Mussell to repeat his motion one more time.

Mussell stated he would like to follow the recommendation of the Planning & Zoning to grant the variance request by Ken & Dave Olsen K & D Country motors, two years from today, to complete curb, gutter and sidewalk, drainage, asphalt, also putting curb stops in so they won't get parked in the right of way, and no closer than 75 feet from Main for the curb cut, and comply with all city code requirements.

At the roll call:

Ayes: Mussell, Nelson, Williams

Nays: Heleker, Hanigan

The motion CARRIED.

**B. Final Plat Approval ~ The Cottages Subdivision**

A motion was made by Hanigan and seconded by Mussell to approve the final plat for the Cottages Subdivision.

After a unanimous voice vote, the motion CARRIED.

**C. Resolution 2007-07 A RESOLUTION OF THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO, APPROVING AN AGREEMENT FOR BOND COUNSEL SERVICES, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SAME; AND PROVIDING AN EFFECTIVE DATE**

A motion was made by Councilor Hanigan moved to approve 2007-07. The motion was seconded by Nelson.

After a unanimous affirmative voice vote of the Council, the motion CARRIED.

**D. Resolution 2007-08 A RESOLUTION OF THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO, APPROVING AN AGREEMENT FOR BOND COUNSEL SERVICES, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE SAME; AND PROVIDING AN EFFECTIVE DATE**

A motion was made by Councilor Heleker moved to approve 2007-08. The motion was seconded by Hanigan.

After a unanimous affirmative voice vote of the Council, the motion CARRIED.

**E. ORDINANCE NO. 1286 ~ AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ORDERING A SPECIAL BOND ELECTION TO BE HELD ON THE QUESTION OF THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY IN THE PRINCIPAL AMOUNT OF \$2,200,000 FOR THE PURPOSE OF ACQUIRING AND CONSTRUCTING A FIRE STATION AND RELATED IMPROVEMENTS AND COSTS; ESTABLISHING THE DATE, TIME, AND PLACE OF THE SPECIAL BOND ELECTION; APPROVING A FORM OF BALLOT AND A**

**FORM OF NOTICE OF ELECTION; PROVIDING FOR PUBLICATION OF NOTICE OF ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE**

A motion was made by Mussell to introduce Ordinance 1286 in its entirety. The motion was seconded by Williams.

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

The motion CARRIED, and City Attorney Osborn read Ordinance 1286 in its entirety.

Mayor Henderson explained that this is the ordinance that will authorize the bond election for construction of a new fire station. We held a work station where the Council was in unanimous agreement that we need a new fire station. We discussed a number of funding possibilities and it was mutually agreed that the best option was to let the voters decide if this is something that the voters of Payette want to do.

Jeff Williams read a letter dated 9/17 from Councilor Klitch into the record and is attached to these minutes.

Mayor Henderson stated that we have scheduled a public hearing and informational meetings on the fire station, and information will be available at that time.

Councilor Nelson asked how the taxes will be affected.

Councilor Williams said that public safety is paramount.

Councilor Williams made a motion to suspend the rules and move Ordinance 1286 to its second reading to be read by title only. Nelson seconded the motion.

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

The motion CARRIED and City Attorney Osborn read Ordinance 1286 for the second time by title only.

Councilor Heleker made a motion to suspend the rules and move Ordinance 1286 to its third reading to be read by title only. Nelson seconded the motion.

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

The motion CARRIED and City Attorney Osborn read Ordinance 1286 for the third time by title only.

Councilor Nelson moved and Heleker seconded a motion that Ordinance Do Pass.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED.

**F. ORDINANCE NO. 1287 ~ AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND INSTALLATION OF IMPROVEMENTS TO THE SANITARY SEWER SYSTEM OF THE CITY OF PAYETTE, IDAHO; CALLING A SPECIAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY THE QUESTION OF INCURRING AN INDEBTEDNESS AND ISSUING SEWER REVENUE BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,335,000 TO PAY THE COST THEREOF; ESTABLISHING THE DATE, TIME, AND PLACE OF ELECTION; PROVIDING FOR PUBLIC NOTICE OF ELECTION; PROVIDING FOR REGISTRATION OF VOTERS; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE**

A motion was made by Mussell to introduce Ordinance 1287 in its entirety. The motion was seconded by Williams.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED, and City Attorney Osborn read Ordinance 1287 in its entirety.

Councilor Williams read a letter into the record from Councilor Klitch. The letter is attached to these minutes.

Councilor Hanigan made a motion to suspend the rules and move Ordinance 1287 to its second reading to be read by title only. Heleker seconded the motion.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED and City Attorney Osborn read Ordinance 12867 for the second time by title only.

Councilor Heleker made a motion to suspend the rules and move Ordinance 1287 to its third reading to be read by title only. Mussell seconded the motion.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED and City Attorney Osborn read Ordinance 1287 for the third time by title only.

Councilor Heleker moved and Williams seconded a motion that Ordinance Do Pass.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED.

**G. Resolution 2007-09 A Resolution to Set Fees for Encroachment & Special Event Permits**

Councilor Williams asked if we have charged for a special event fee in the past. Cordova replied no. Administration has done a lot of research on this, and other cities charge from \$90 to \$300 dollars. We have never had a security deposit before, and we often experience broken sprinkler heads and damaged property. It will also cover per diem for staff; we often have extra officers or street personnel paid overtime for special events.

Williams noted that this applies to Cruise Night at Apple Blossom. Williams said he was not comfortable with the way it was worded. Mayor Henderson suggested that we insert as applicable and approved by the City Council at the time of application.

Nelson moved and Hanigan seconded a motion to approve Resolution 2007-9 with the changes noted

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED.

**H. Utility Account Write offs**

Hanigan moved and Heleker seconded a motion to approve the Utility Account write offs as presented.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED.

**DEPARTMENTAL REPORTS**

Written reports were presented to the Council.

**CITIZENS COMMENTS**

No other comments were heard.

**MAYOR'S COMMENTS**

Mayor Henderson informed the Council of the following:

Mayor Henderson reminded the Council members to bring forth ideas and suggestions for the Community Review at the second meeting of October.

**EXECUTIVE SESSION**

A motion was made by Williams and seconded by Heleker to recess into executive session to consider acquisition of property and personnel issues per Idaho Code § 67-2345

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan

Nays:

The motion CARRIED and the Council recessed into executive session at 8:55 PM.

A motion was made by Heleker and seconded by Hanigan to reconvene into regular session with no action taken.

At the roll call:

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

Nays:

The motion CARRIED and the Council reconvened at 9:19 PM.

**ADJOURNMENT**

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

After a unanimous voice vote, the Council adjourned at 9:20 PM.

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

---

DOUGLAS E. HENDERSON, Mayor

ATTEST:

---

Mary Cordova, City Clerk