

**MINUTES
PAYETTE CITY COUNCIL
Work Session & Regular Meeting
February 02, 2015**

5:30 PM – Work Session

ROLL CALL

Members Present: Mayor Jeff Williams, Mark Heleker, Nancy Dale, Ray Wickersham, Craig Jensen, Jeff Sands

Members Absent: Lee Nelson

Staff Present: Mary Cordova, City Administrator; Lt. Gary Marshall; Street Superintendent, Jamie Couch; and Brenda Stowe, Administrative Services Clerk.

- A. **Donation Requests**—Mayor Williams stated the Council has discussed a donation policy for some time, a concerned citizen (Alan Massey) submitted notes the Mayor felt covered some valid points. Councilor Wickersham felt it would be better if the form stated the request. It would be more likely to be granted if the request was made in person. The request could be explained and the Council could get a clear picture of exactly what is being asked. The Mayor did like the note that Mr. Massey had asking if the request is made by a non-resident and how granting the request would benefit the City of Payette. Councilor Heleker asked if the request would be denied if the request was not made in person. The Council said not necessarily, that it should be worded requests would more likely be granted if made in person. Councilor Jensen was concerned about not making a decision on the same night as the request, he feels there is some urgency in many of the donation requests. Councilor Heleker did not feel it would be necessary to attend two meetings, just the initial meeting to make the request. Councilor Sands felt it would relieve some pressure from the Council if they were given a little more time to review the request. Mayor Williams feels we have been very gracious. We do need to keep in mind it is the tax payer's money. Councilor Sands agreed, sometimes emotions get in the way and donations get out of hand, we need to curb it a little bit. The Council decided it was a topic for Admin & Finance Committee.
- B. **Swimming Pool Sewer Credit** – Councilor Dale asked if the form presented was what the city had in use. Ms. Cordova stated no it was new. Councilor Dale felt the form should be simplified and worded so the customer would not feel the need to read the meter themselves. Councilor Wickersham wondered if the discount given would cover the cost of the crew to go out to read the meters, perhaps a minimum should be set. Ms. Cordova reminded the council the prices reflected on the print out included a base rate fee. Councilor Sands questioned if it was a one-time discount or ongoing. Ms. Cordova replied it was a once a year discount. Staff can refine the form and bring it back to the Council.
- C. **Storage Containers** – Mayor Williams stated this was brought to the Council for discussion because we have people who want storage containers on their property for more than three months. It is not a permanent structure and it is considered personal property. It does not add to the tax base. Those who rent storage units for a business lose money. It can also lead to a beautification issue. Councilor Wickersham asked if someone owns it how is that an issue. Councilor Dale responded there are two on a piece of property in her neighborhood that have caused property buyers to respond unfavorably, it devalues the neighborhoods property values. Councilor Sands feels the storage containers do not encourage building permanent structures that do generate taxes. The current code allows up to three months. Councilor Dale asked if the code extended to contractors yards. She reminded the Council there is the option of filing for a Conditional Use Permit if someone wished to have a container more than the three month period that is allowed.

At this time there is no time limit set for the Conditional Use Permit. Ms. Cordova stated that is part of the issue, there is a request being presented to Planning & Zoning Committee, they are asking for guidance. Mayor Williams asked Council if they wished to change anything, site issues, zoning, or change the code. Ms. Cordova reminded the Council if allowed in certain zones then we need to look at set back requirements. Councilor Dale feels the Code is adequate. Councilor Wickersham would like to see the current time limit extended, ninety days may not be enough if someone is remodeling. Councilor Jensen asked if a Conditional Use Permit is granted would it be revisited on a yearly basis. Ms. Cordova answered a Conditional Use Permit can be revisited upon complaint. It would be hard to monitor. With a time limit it could be calendared. She would like to give Planning & Zoning direction, should storage containers be allowed in certain zones with side boards set. Councilor Sands asked if a Conditional Use Permit is issued are the residents within 300 feet alerted. Ms. Cordova answered yes. Council agreed they would like to have a time frame inserted for the Conditional Use Permit and not allow in front of properties. Councilor Dale would like to follow the Planning & Zoning Committee's decision on this. The Council agreed.

- D. Water Leak Policy – Mayor Williams knows this is an issue because the staff has asked about refunds for leaks. Councilor Wickersham questioned if a leak is found and repaired if the City removes appropriate sewer fees. Councilor Sands would like the phrasing to be “may” be reimbursed rather than “shall”. He is not inclined to help someone that treats the staff badly. Ms. Cordova stated we do not adjust the water off, just the sewer. She also explained that we notify the customer of high usage when the guys read the meters, either by phone or letter. The guys then meet with the resident and perform a meter test to see if the problem is on our side or theirs. The Council would also like a correction made to the back of the form to “notify” the Utility Billing rather than “nifty”.
- E. Franchise Agreements – Councilor Jensen would like to investigate the possibility of a 1% municipal franchise fee of Idaho Power. He believes this may decrease property taxes by distributing that fee to all residents, not just property owners. Councilor Dale stated that it is a very common practice. Ms. Cordova said more Cities than not have a franchise fee. The City of Payette currently has a 3% franchise fee with Intermountain Gas Company. Councilor Jensen inquired if any parcels would be exempt? Ms. Cordova stated with the general projections they have made so far it would not make sense, however they do not have all the numbers to make accurate projections. Mayor Williams stated there would be more to come.

Work Session ended at 6:50

7:00 PM – Regular Meeting

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

ROLL CALL

Members Present: Mayor Jeff Williams, Mark Heleker, Nancy Dale, Ray Wickersham, Craig Jensen, Jeff Sands
Members Absent: Lee Nelson.
Staff Present: Mary Cordova, City Administrator; Gary Marshall, Police Lieutenant; Bert Osborn, City Attorney; Jamie Couch, Street Superintendent and Brenda Stowe Administrative Services Clerk

PLEDGE

The Pledge of Allegiance was led by Tracy Bratcher

CITIZENS COMMENTS

Ray Wickersham wanted all to know the Boys & Girls Club would be holding a meeting at the Hideaway Grill Wednesday, February 4, 2015 from 6:00 pm to 7:30 pm. They are trying to see if there is enough interest in Payette for the club to establish a facility in Payette.

APPROVAL OF MINUTES

A motion was made by Heleker and seconded by Wickersham to approve the public hearing & regular meeting minutes of 01-20-2015 with amendments.

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

APPROVAL OF BILLS & PAYROLL

Councilor Sands would like to divide the donation to the Payette Historical Society to be \$5,000.00 now and \$5,000.00 in June. He also would like to insure that the money is being used as the Council had directed. It was the Council's understanding they would be using the funds to keep the Museum open and a portion of the funds for marketing.

A motion was made by Sands and seconded by Heleker to approve the City Bills & Payroll in the amount of \$238,822.45

At the roll call:
Ayes: Sands, Dale, Jensen, Wickersham, Heleker.
Nays:

The motion CARRIED.

SPECIAL ORDERS

None

COMMUNICATIONS

- A. Payette County – Rudy Park – Ms. Cordova brought to the Council's attention a letter of support from the City to the Idaho Dept. of Parks and Recreation in support of Payette County's Recreational Road & Bridge Fund Grant Application to provide parking improvements as well as improved river access at Rudy Park. Ms. Cordova stated hopefully the work would be done this summer.

PLANNING & ZONING

- A. Meeting Minutes – January 22, 2015

AGENDA ITEMS

- A. Resolution 2015-01 – Durapatcher

A motion was made by Heleker and seconded by Dale to approve Resolution 2015-01 declaring the 2007 Duraco Dura Patcher Model #125DJT Serial # 14375 as surplus property to be sold to Payette County in the amount of \$35,000.

At the roll call:
Ayes: Heleker, Sands, Dale, Jensen, Wickersham.
Nays:

The motion CARRIED.

- B. Personnel Policy Review– Bert Osborn explained the City had rendered a decision that you cannot have someone working in the same department if they have a relative in an authority position in the same department. Councilor Sands has had some experience with this in the Fire Department. He commends those who wish to continue heritage, however he cautions against having three or four people in the same department. One may be alright, but he could see a potential problem having a family working in the same department. This was brought to Council because we have a son of a supervisor wishing to apply at the Fire Dept. We are a small department and can use the help. Councilor Heleker asked if the supervisor role plays into it. Councilor Sands replied there are always Seniority/Authority issues. Councilor Dale added she had worked with her daughter at one point and it does put a different touch on the call. Councilor Jensen questioned if a volunteer is paid. The Fire Department volunteers are paid by the call. Bert Osborn said we could change the policy. Councilor Dale would like to send to the Finance & Admin Committee as well as the Public Safety Committee. The Mayor questioned if our Fire Department was in a crisis situation. Ms. Cordova replied no, but we are down to 21 members.

A motion was made by Dale and seconded by Heleker to send the Personnel Policy Recommendation back to the Public Safety Committee for a decision.

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

- C. Agreement to Extend the PAW Transportation Task Force – Ms. Cordova explained PAW Transportation Task Force allows sharing equipment between Payette, Adams, Washington and Gem Counties. The City has been a member since 2009 and this is a renewal of contract with recommended changes. Bert Osborn said he had reviewed and didn't see a problem.

A motion was made by Jensen and seconded by Wickersham to agree to extend the PAW Transportation Task Force Gem agreement as amended.

At the roll call:

Ayes: Wickersham, Jensen, Heleker, Dale, Sands.

Nays:

The motion CARRIED.

- D. Dillabaugh's Flooring America – Off- Premise Sign Code Change- Mayor Williams explained this is a special situation as South Main Street was under Idaho State Transportation Dept. and now the City is in control. Dillabaugh's has no road frontage and wish to erect a sign on what is currently city property. We would have to change our policy to allow this, or create a lease, or sell the property. Shari Kendall is here to explain her situation. Ms. Kendall stated they have a unique situation. They have a business with no road frontage. No other business on Hwy 95 is without road frontage. Their customers are always calling for directions; they often drive by because they cannot find the store. They are a booming business and wish to contribute to our community. Dillabaugh's wishes to erect a sign south of the Chamber sign. They will submit a plan with artist renderings and are open to what the City requires for them to be able to do so. Councilor Heleker asked how much of the property would they need to lease. The Mayor asked Bert Osborn would they be able to lease. Mr. Osborn answered yes, they could, but the city would still need to change the code. Ms. Kendall mentioned the storage facility has a road in between the building and their sign. The Council replied that was private property. Jensen asked what the liability would be to the City to lease. Mr. Osborn stated it would be better for Dillabaugh's to lease. Councilor Sands' is hesitant, what we do for one we will have

to do for others. Councilor Sands would rather sell the land. Ms. Kendall said she would still need to get an off-site sign variance. Councilor Sands stated if the city did sell the property it would have to go up for public auction. Mayor Williams agreed, the City would have to declare it as surplus, have it appraised and auction it off. Ms. Kendall said they do not think they are better than others; they are just in a unique situation being land locked. What can be done to solve the problem? If Dillabugh's purchased the property they would still need to be able to put the sign up. The City will try to find a solution.

- E. **Mandatory Garbage Discussion** - The newly annexed properties on 7th Ave. North has a residence that sits back from the road and they do not wish to pay for garbage service. The Council has no desire to change the code. Councilor Heleker stated they have been over this before, and we have not changed our policy. Councilor Sands stated the resident had the opportunity to discuss this during the annexation process and did not approach the Council with this. They still have the option of using the garbage service if they wish. The Council decided no changes would be made.
- F. **Donation Request – PHS Baseball Advertising**—Councilor Heleker declared a conflict of interest. Tracy Bratcher spoke to the Council on behalf of the Softball & Baseball Teams request for the Council to purchase a 4' by 8' sign to be displayed at the ball field at the High School. From baseball through football seasons. The \$300.00 donation agreement includes maintenance and they renew every three years. The prison makes the signs and they look great and show support on the field.

A motion was made by Jensen and seconded by Wickersham to approve the donation of \$300.00 to PHS Softball and Baseball Team for three years of advertising.

Councilor Heleker abstained.

At the roll call:

Ayes: Sands, Jensen, Wickersham, Dale.

Nays:

The Motion CARRIED.

- G. **Parks & Rec Committee Recommendation – Gerald Loveland – Mayor Williams** apologized for the delay in processing Mr. Loveland's application to the Parks & Recreation Committee, after an email conformation that Mr. Loveland was still interested the Mayor recommends that the council approve the appointment. Mr. Loveland has been attending the Parks & Rec. meetings for some time and he would be able to offer a lot of ideas in many areas of that committee.

A motion was made by Heleker and seconded by Jensen to approve the appointment of Gerald Loveland to the Parks & Rec. Committee.

After a unanimous voice vote the motion CARRIED.

- H. **Agenda Request – Sharchena Hahn – Code Change – Sharchena Hahn** approached the Council asking thather dog that is less than 20% Pitbull not be taken away. She informed the Council the dog is a service dog for her diabetic 10 year old son who has other health issues as well. She claims the dog is not vicious, has never bitten anyone, and is important to her son's well-being. It would be a set back to her son to lose the dog right now while he is having so many issues. Ms. Hahn claimed they have traced the animal's blood lines back three generations and have had the blood test done. She claims she did not know about the Code. She said the dog is licensed. They've had the dog almost two years. Mayor Williams told her they would not be taking action this evening, they would discuss it further and let her know their decision.

- I. Ordinance Proposal Residential in Commercial—Mayor Williams mentioned this at the last Council meeting. Planning & Zoning have been working on streamlining operations. Ms. Cordova explained this would allow residential use in a commercial zone. As long as the use has not lapsed more than 90 days there would be no change. It was the suggestion of the Planning & Zoning Committee to still require Conditional Use Permits for property that remains empty for longer than 90 days. Mayor Williams stated as long as the rental property had a renter nothing would change. Rental properties in a commercial zone sold vacant would need to apply. Councilor Wickersham stated often properties for sale sit vacant for more than 90 days, and those used as residential often remain residential. Many of the Council members questioned if the use doesn't change, why you have to get a Conditional Use Permit no matter the time lapse. The Mayor asked if the Council wished to extend the vacancy period. Councilor Wickersham felt vacancy should not be an issue if the use does not change. Councilor Dale asked does it become a situation when property sits empty for years, does it default back what it is zoned as? Councilor Sands questioned Ms. Cordova if we allowed residential use in a commercial zone. Ms. Cordova answered yes with a Conditional Use Permit. Councilor Sands said if he were buying a property for residential use in a commercial zone, he would be deterred from purchasing it if he had to get a Conditional Use Permit to occupy it. Mr. Osborn stated that is when the sale is pending upon the contingency of the Conditional Use Permit. The Mayor asked what the council wished to do. Councilor Wickersham would like to see more than a 90 day vacancy period but at least it's a starting point. Councilor Dale feels we should follow the Planning & Zoning Committee's recommendation. The Council should listen to the committee. Mayor Williams stated this is an ordinance change and there will need to be a public hearing.

DEPARTMENTAL REPORTS

- A. Historical Commission – February 2nd meeting was canceled.

MAYORS COMMENTS

Mayor Williams reported our liability insurance had a program that if our employees completed a training class we would get a discount on our liability insurance, Bobbie Black spearheaded that. We had a 100% employee involvement that saved us \$5,000.00.

The boat ramp project was supposed to start today but the weather is not cooperating. Jamie Couch reported the completion date is five to six weeks from the start date, they are hoping to start on Wednesday. They have signs posted at the park and on the Greenway stating the boat ramp is closed.

Mayor Williams stated there has been a resignation in the Planning & Zoning Commission, so if you know of anyone who would like to get involved a recommendation may be made.

The Mayor stated Councilor Dale had reminded him the Strategic Plan was about due, it was 2013 that it was last done, so the Council will need to start working on that.

Councilor Dale stated that Ms. Cordova had slipped her some information about the library. Erin Hailey Library Director is doing more good stuff. Our Library has been selected again for the Make It at the Library Project. This will give us free training and a 3D printer. We are one of eight libraries in the State chosen for this.

Councilor Sands used the Adopt-A-Truck Program, he said he completed the form on line and it worked very well.

Mayor Williams forgot to mention he recently attended the City Officials Day at the Capital. The Leadership Panel was pretty much as it was before. Senator Brent Hill and the Senate are trying to find new ways to do things, looking at things a little creatively. Senator John Rusche is looking into Medicaid restructuring. Michelle Stennett spoke about transportation funding. There is a proposal that cities less than 8,000 would have to have land owners vote for annexation. AIC is opposing this because

they feel Cities need to plan for the future, if the City is going to install a sewer line and spend tax payer money to install, it would be counter-productive if they voted against the annexation. The City of Payette has been very forward in their thinking by indexing Conditional Use Permits; the state is really far behind in transportation funding. They discussed Misdemeanor Reclassification, making sure the penalty fits the crime. Property Tax exemptions for capital investment, they talked about lowering the thresholds, they felt the Counties have to communicate better with the other taxing districts and the state. Mayor Williams thought Bert Osborn might be able to explain, Special US Attorney, Mr. Osborn did not know of it; they have it now in Ada, Adams and Canyon Counties. It's funding that the state and county share in and they are hoping to extend that to northern and eastern Idaho. Local option taxes would never make it here. Urban renewal was another topic. The Mayor felt it is always interesting to see what is happening at the state level.

Councilor Heleker stated the Snake River Institute has a program called "Little Library". It is for us they would build a Pirate ship to use as a place to exchange books, it has not had any impact on the city's libraries, it is a place primarily for children to trade books. They have been doing it in Ontario; they are branching out to Weiser and Fruitland. It was asked how they get books; Heleker said for the most part this would be by donation. SRCI has a committee to keep it running and maintaining it.

CITIZEN'S COMMENTS

None

EXECUTIVE SESSION

Pursuant to I.C. 67-2345(1)(f), the City Council will recess into Executive Session to discuss with legal counsel for the public agency pending litigation or where there is general public awareness of probable litigation

A motion was made by Heleker and seconded by Jensen to adjourn to executive session.

After a unanimous voice vote by City Council, the motion CARRIED, and the Council recessed into executive session at 8:25 PM.

The motion CARRIED.

ADJOURNMENT

A motion was made by Heleker and seconded by Jensen to adjourn to the regular meeting at 8:35PM.

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

Signed this 18 day of February, 2015.


Jeffrey T. Williams, Mayor

ATTEST:


Brenda Stowe, Administrative Services Clerk