

**MINUTES  
PAYETTE CITY COUNCIL  
Work Session & Regular Meeting  
February 17, 2015**

**6:30 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: Tiffany Howell, Assistant City Clerk; Steve Castenada, Fire Chief; Bobbie Black, Deputy City Clerk; Chief Clark and Jake Hust, Water Supervisor

**A. Kiwanis Building Update –**

Councilor Wickersham stated that they had another structural engineer look at the building and he told them to not use the building at all. The gentleman did say that it did have potential and we could get some grants. We are trying to get the architect that was looking at the Christian Church and the old Courthouse to see what he thinks it would cost to preserve it. Structural wise the roof needs to come off and redone. Mayor Williams stated that our building inspector and the Fire Chief both stated the same thing. Councilor Jensen asked where they grants would come from. Councilor Wickersham stated that you don't have to go through the historical register. Councilor Wickersham stated that they are meeting with the architect tomorrow. Councilor Dale asked who the building belongs to. Councilor Wickersham stated that the Kiwanis Club owns the building. Councilor Wickersham stated that the guy they had come look at the building stated that it might be beneficial for the Kiwanis to give it to the City. Councilor Wickersham stated that the Kiwanis are being drained having to pay for all the utilities.

**B. Swimming Pool Sewer Credit**

Mayor Williams stated that he did not see minimum gallons in order to qualify for this sort of a credit, like 10,000 or 25,000. Councilor Dale stated that she thought there was a limit on the number of gallons to qualify for a sewer credit, she state that Councilor Wickersham had brought up the question of if it was worth the time of the guys to go out. If you look at the numbers that were given a sewer fee would be \$26.50 if we are looking at a 10,000 gallon pool, so is that adequate for what it would cost the staff to process paperwork and read the meter, or do we want to go to a flat fee. The suggestion I recall was if it was under 10,000 you would have to pay for it, but if it was over then a credit would be given. Councilor Sands stated that if we are going to have a pool credit why are we penalizing the guy who has a Walmart pool of 2,500 gallons and letting the person who has a \$200,000 diving board pool get the benefit of this, I don't know if that make sense. Councilor Dale stated that we need to figure in the cost of the guys going out there, do a flat fee, a minimum usage, what. Mayor Williams stated that he thinks that if we go out for every pool we are going to be spending \$15 to save someone \$10. Councilor Dale stated that the form they gave us last time it didn't make sense, so this is the corrected one. Mayor Williams stated to move this forward, on our agenda tonight it is just if we want to adopt this, or if we want to add a minimum gallon usage and that needs to be our thought process tonight when it becomes action time on our agenda. Councilor Wickersham asked Bobbie Black if we have very many of the small pool people coming in asking about a credit. Bobbie Black stated that your Water Supervisor is down there. Jake Hust stated that he has a few points. Jake stated that it is definitely not worth the man hours, if we have to go out and get a read and get one at the end of a property that is two trips to a property. If it is a 5,000 gallon pool and they do not start it at 8 o'clock in the morning, now you have an after hour call to read the meter. Councilor Sands

stated that you cannot fill a 5,000 gallon pool in a day, you just cannot do it. Jake stated he has a 5,000 gallon pool, and you are correct. So now, you take away the accuracy of your meter, so there is no point in reading the meter, and then when it comes to the weekends there is no point. Jake stated that another point is that you have a 3,000 gallon Walmart pool and the box says it is 3,000 gallons, the meter reader goes and it reflects 3,250 gallons the homeowner wants to know why. So now, the meter reader is left asking if you they took a shower, over filled the pool, did laundry, we don't know what you did. Then it becomes a point if the meter is accurate and the home owner is questioning you. Councilor Dale asked Jake if he had a solution in mind. Jake stated that in his opinion I don't like the pool credit at all. Councilor Dale asked even on the sewer side. Jake stated yes, if you are going to have a pool, how you tell the guy with a 5,000 gallon pool he can't get the credit, but the guy with the 10,000 gallon pool can. Jake stated that you cannot cost effectively go out two trips on each pool. Jake stated the other thing is that when the pool is full is the homeowner going to call and say that the pool is full, come read my meter. Look at how many people on a given day or week is going to call, I just don't like it and would not recommend it at all. Mayor Williams stated that for conversational purpose if we said the month of just anyone who has a pool we will give you a \$13.25 credit, then who is going to go out and check and how much is that going to cost. Jake stated that he thinks this is a can of worms and there is an endless bottom to it. Councilor Sands asked Councilor Dale if she had a 60,000 gallon pool. Councilor Dale stated that she has a 30,000 gallon pool. Councilor Sands asked Councilor Dale what the sewer bill was on that. Councilor Dale stated that she was just looking at that and it would be right around \$80 to pay the sewer side of it. Councilor Dale stated that I trust Jake and the girls are the on this and if they say it's not worth it and it's not fair, then that's where we are at. Jake stated that is his recommendation. Mayor Williams asked what we did in the past or did we give them a credit. Bobbie Black stated that we do not give them a credit, not for pool fills. Councilor Wickersham stated that he thought Nancy got one. Bobbie stated that she was not aware of this. Councilor Dale stated that a couple of years ago when they had to drain the pool and I had nothing to do with the City Council, we had to replace the liner and we had to completely drain the pool. All the water went into the yard and none of the water went down the sewer and I called down and told them what we were doing and asked if she could have a read done so she didn't have to pay for at least the sewer side and someone came out and read the meter and when the pool was full a couple of days later to read the meter. Bobbie stated that she was unaware of this. Bobbie asked Tiffany Howell if she was aware of this and Tiffany stated no. Bobbie stated that a general rule is that we do not do that. Jake stated that this may have been a unique situation and this is not going to happen 50 times over a summer, it is a unique situation. As an overall, for the general public I see a nightmare. Councilor Dale stated that when she called down for a read, it was based on the history from the City of Vale. When people would call we would send the guys out and do a read and go back when it was done. You have a very good point about weekends and holidays, and that is a community of 2,400 compared to 8,000. Councilor Dale stated that she totally respects that and is not arguing that, but that is the history. Mayor Williams asked if this went in front of the Public Works Committee. Jake Hust stated that he was not sure; he was not at the last meeting. Bobbie stated that she did not know, but Tiffany is shaking her head yes. Tiffany Howell stated that yes this and the leak refund policy both went in front of the committee and they sent it onto the Council. Jake stated that he was not at that meeting, so he doesn't know what happened. Councilor Sands stated that the last meeting was in December. Councilor Wickersham stated that now we are saying it is too costly to do it, I am kind of leaning towards what Jake recommended since he is the one who has to take care of this, and that is what we hired him for. Councilor Dale stated that since you have a history, other than what I just told you, of handling this, then leave it. Bobbie Black stated that she has never given a pool credit and Tiffany is shaking her head the same, so Nancy is a very unique situation. Councilor Jensen stated that he thinks the idea was good of wanting to help the individuals save money and I don't know if there is a way to justify looking at the last years bill and if they had 3 times the sewer rate, they can say go into the clerk and we have the ability to adjust this. Tiffany Howell stated that the other thing that occurs during the summer months is we

tell people that just because they do not have irrigation at their home you still have to pay for water and sewer, so who's to say they are not watering with it, filling up the pool, so that is something else to think about. Councilor Sands stated that he fills his pool every two weeks cause it evaporates and the kids spill water out of it and he doesn't think his bill goes up even \$25, the month I fill it. Councilor Sands stated that he thinks if we are going to do it we should do it for everybody or nobody, that's just how I feel. Councilor Wickersham stated that "the everybody" costs us money because we cannot afford it. Councilor Dale stated that we are going to be looking at allowing sewer credits on water leaks and we need to look at for a justification. I don't want someone to come back say that we gave them a sewer credit on their water leak and not for my pool. Jake stated that the difference would be a water leak would be unintentional. Councilor Dale stated exactly, I'm just saying we need to have a defense. Jake stated that a swimming pool is for recreational. Councilor Dale stated correct. Councilor Jensen asked Nancy if the month that she does fill hers up it is an \$80 increase in your sewer. Councilor Dale stated yes. Councilor Dale stated that they do not drain the pool every year; it was just that year we had to replace the liner. Councilor Jensen stated that it was not a yearly thing. Councilor Dale stated no, we drop it down past our skimmer when we winterize it. Tiffany Howell stated that if you were to fill a 10,000 gallon pool the bill would be \$173.60 with absolutely no other water usage. Councilor Wickersham stated that is water and sewer. Ms. Howell stated yes, that is correct. Ms. Howell stated that of that \$173.60, \$96.20 would be sewer and \$77.40 would be water. Councilor Sands asked what 5,000 gallons would cost. Mayor Williams asked Ms. Howell if that would come out the same amount that is in our packet. Bobbie Black stated that the 5,000 gallon example is in the packet.

#### C. Leak Repair Refund Policy

Bobbie Black stated that currently if we can determine this was a leak and the water did not go down the sewer we make an adjustment to the sewer bill. Councilor Dale asked if the form we currently have is just following up to what we already have in place. Mrs. Black stated yes. Tiffany Howell stated that if the usage was determined that it was not a leak they are responsible for the water and sewer bill and you have until the following month to pay or you do get shut off for non-payment. Currently we have one exception to what our current policy is to not allow a payment plan and the customer was given 6 months to pay, and has to pay her normal bill plus \$100 each month by the 10<sup>th</sup>. If she fails to pay the bill by the 10<sup>th</sup> we will shut her off and she will then have to pay the bill in full plus a \$60 reconnection fee. Councilor Sands asked if this extension was given to the same lady who was yelling at us. Ms. Howell stated yes. Councilor Sands disagreed with giving her an extension. Mrs. Black stated that we just want to know what the council would like to see in this agreement, would you like us to give them a time limit, certain amount of time. Mayor Williams stated that staff will modify the form and bring it back as an agenda item at the next meeting.

#### D. Franchise Agreements

Bobbie Black stated that if we entered into a franchise agreement with Idaho Power for 1% we would get about \$50,000 a year off our tax bases which would save an annual fee of \$23.73 on an average tax bill. Keep in mind that on an average Idaho Power bill of \$80.00 you are going to be paying \$9.60 more each year. So when you are totally done it is an average yearly savings off \$14.13 off your taxes. Councilor Wickersham asked what Bobbie was basing that off of. Bobbie stated that she is unsure. Mayor Williams stated that keep in mind that you are doing a lot of tax shift from the property owner to the tenants. Bobbie stated correct, that everyone would be paying equally. Councilor Sands stated that is going to last until we do the budget again and we are going to keep the same levy rate, so it is gone. Councilor Jensen stated that he thought it would make a lot more of a difference, I really thought it would. Councilor Dale stated that she was chatting with Mike from Idaho Power and he said this has bit some cities. The City of Ontario

has a 7.5% franchise and Mike stated that he has chatted with several companies who have decided to go on the other side of the river, rather than pay the 7.5% franchise fee.

Councilor Dale asked Attorney Osborn if the council could discuss conditional use permits in residential zones. Bert stated that he didn't care as long as no decision was made.

#### E. Condition Use Permits and Non-Conforming Uses –

Mayor Williams stated that Councilor Dale would like to discuss the conditional use permit for residential use and some of the things in the Planning & Zoning minutes. Councilor Dale stated it was actually our minutes and on the last paragraph it states that the talk we were having about the storage containers and it says that we need to have a time frame and not allow in front of the properties, but we never gave them a time frame. Councilor Wickersham stated that I remember battling that around and if a complaint came up we would review it. Councilor Dale stated what if we didn't use a conditional use permit wasn't appropriate for this situation. What if we have the option of an extension? They are allowed 90 days and what if we gave them one extension and they would need to petition the city for it and completely remove the option of the conditional use permit. We are taking away from businesses that are in the storage business and also to Councilor Sands point that we are taking away from our tax base. I know we are going to have issue with the grandfather issues, but I think sometimes we just need to look at the extreme. We are constantly writing variances and maybe the rules aren't appropriate anymore and I always consider all options rather than adjust to each situation. Councilor Wickersham stated that if they do not look good or if they are not taking care of them, but if we find a piece of property and it fits what I want to do then why should not be able to put one on there. I don't know why we have so many rules, if it's appearance or devaluing property, and then I can understand why. Mayor Williams stated that it is devaluing the property because there is no tax base. Councilor Wickersham stated that is telling me that you want me to build something on my property to increase my tax value. Mayor Williams stated that there is no such thing as personal property tax anymore. Councilor Sands stated that I want to sell my house my house one day and I want the tax base to stay up, but I can also appreciate Ray's point and if it doesn't bother anyone. I think that is why it should be there, I don't think that Planning and Zoning should have the right to decide that issue because if I don't get notice that there is one because it's 301' from my property, it is still in my neighborhood and that is a touchy situation. I think the grandfather thing is an old cop out that I don't want to go give them a ticket, there is no such thing, we either do it or we don't. Mayor Williams stated that at this point we have an ordinance that says it's only 90 days and we need something to send to Planning & Zoning to say this is what we are suggesting, then it comes back to us and we can make changes. At that point we can make a suggestion that staff is allowed to administer this as long as there are no complaints. Now you said if it is not bothering someone, but that is only until your neighbor's property sells then it might be a problem. Councilor Dale stated that we are experiencing this in our neighborhood as well. We have someone interested in a property and the neighbor has two storage units on their property. Councilor Jensen stated that right now our code states they can put them in for 90 days and after 90 days you have to get a conditional use permit. Bobbie Black stated that the 90 days is for construction purposes only. The Planning & Zoning has extended these in the past to 1 year, 3 years, etc. Bobbie Black stated that right now if someone wants to put a storage container on their property for 2 years they can get a conditional use permit and the Planning & Zoning Commission can approve or deny it at that time. Councilor Dale asked Bobbie if on the form it asks for a certain time frame they would like the storage container or is it a fill in the blank type of form. Bobbie Black stated that on that form you explain to use what you want to conditional use for and there are no parameters on the form. That is why we do the public hearing process, so the neighbors have the right to come and either speaks for or against the issue. Councilor Wickersham stated that on the grandfather side of things, I know that Chet Boren has one on this property, but he was annexed, so how do you not allow him. Mayor

Williams stated that there is no definition of grandfather in any codes, as far as Chet's case goes; he was annexed so he is allowed to do so until the use changes. Mayor Williams stated that it is the same as the Belvoir's; they were annexed and had animals, now I would think they would be allowed to do so until the use changes. Tiffany Howell stated that you have to remember that the conditional use permits stay with the person not the property.

The work session ended at 7:00pm.

### **7:00 PM – Regular Meeting**

A regular meeting of the Payette City Council was called to order at 7:04 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 and Jeff Sands

Members Absent: Lee Nelson

Staff Present: Tiffany Howell, Assistant City Clerk; Steve Castenada, Fire Chief; and Bobbie Black, Deputy City Clerk

### **PLEDGE**

The Pledge of Allegiance was led by Mayor Williams.

### **CITIZENS COMMENTS**

None Heard.

### **APPROVAL OF MINUTES**

A motion was made by Heleker and seconded by Dale to approve the work session & regular meeting minutes of 02-02-2015 as written.

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

### **APPROVAL OF BILLS & PAYROLL**

A motion was made by Heleker and seconded by Sands to approve the City Bills & Payroll in the amount of \$211,609.05

At the roll call:

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

Nays:

The motion CARRIED.

### **SPECIAL ORDERS**

None

### **COMMUNICATIONS**

A. Getting a Boys and Girls Club in my Community

B. Argus Observer – Thumbs Up – Pool

C. Economic Breakfast – February 27<sup>th</sup>

**PLANNING & ZONING**

None

**AGENDA ITEMS**

A. Swimming Pool Sewer Credit -

Mayor Williams stated that we had a work session on this earlier. No action was taken.

B. Personnel Policy Review – Employment of Relatives

Mayor Williams stated that this all revolves around an on call paid fire applicant.

A motion was made by Jensen and seconded by Sands to approve the personnel policy review policy for on call paid fire employees.

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

C. Donation Request – New Plymouth Elementary

A motion was made by Jensen and seconded by Heleker to table the donation request for the New Plymouth Elementary.

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

D. Donation Request – Payette High School Track

Mr. Lundford from the high school had contacted the City to inform us that he would ne be able to attend the City Council meeting as he was on the School Board in Midvale and needed to be at that meeting.

A motion was made by Wickersham and seconded by Jensen to approve the donation request for the Payette High School Track.

At the roll call:

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

Nays:

The motion CARRIED.

E. Ordinance #1391 AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 8.28 OF THE PAYETTE MUNICIPAL CODE BY AMENDING SECTION 8.28.010 BY ADDING THE NAME OF THE IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY; ADDING A NEW SECTION 8.28.02 PERMIT REQUIRED; ADDING A NEW SECTION 8.28.030 BY ALLOWING AN AUTHORIZED AGENT TO INSPECT AN AREA WHERE BURNING MAY TAKE PLACE; AMENDING SECTION 8.28.040 BY DESIGNATING THE FIRE CHIEF OR A DESIGNEE IN PLACE OF THE MAYOR AND CITY COUNCIL; ADDING A NEW SECTION 8.28.050 WHICH ALLOWS FOR RECREATIONAL BURNING AND WHICH SETS LIMITS ON RECREATIONAL BURNING; AMENDING SECTION 8.28.060 WHICH ESTABLISHES A

**PENALTY; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; CREATING A PENALTY**

A motion was made by Heleker and seconded by Jensen to introduce Ordinance 1391 by title only.

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

Chief Castenada stated that he has been looking at this for the last two years. Currently we have a policy that we give a permit that is good for 5 days, this is not effective currently. I have been looking at extending this to a 90 day policy. The City has adopted the International Fire Code. Councilor Sands asked if Chief Castenada thinks people would call into dispatch during the 90 period. Chief Castenada stated that he cannot say for sure they would remember, but he has spoke with dispatch and they are calling in. Councilor Jensen asked if I had a 90 day permit and someone called and said there was smoke coming from my back yard, do you check to see if it is a fire. Chief Castenada stated that it is your responsibility to call in the fire. Mayor Williams stated that it was brought to his attention that on page 3 close to the bottom, page 2 needs a little bit more discussion. Bert Osborn stated that we need to have to have the screen to avoid embers from flying into your neighbor's wood pile. Councilor Sands asked if Chief Castenada is going to enforce this rule. Chief Castenada stated that he would only enforce it if he was called to the fire. Councilor Sands stated that he would like to see different wording regarding the coverage of the camp fires.

A motion was made by Sands and seconded by Dale to move Ordinance 1391 to its 2<sup>nd</sup> reading to change the responsibility of the permit holder.

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

**F. Request for City's Reader Boards**

Don Belvoir – 1207 7<sup>th</sup> Ave No; Payette, Idaho

Mr. Belvoir stated that for 19 years Patrick's Pub has been hosting a fund raiser for a charitable cause. Mr. Belvoir stated that last year he made his donation to the MSTI clinic in Fruitland. Mr. Belvoir stated that we would like to have our information on the reader board. Mr. Belvoir stated that he does have room available upstairs to get away from the "bar" attire. We also will be serving corn beef and cabbage and for the certain people we could arrange for delivery.

Mayor Williams stated that Ms. Patrick was unable to attend the meeting but did submit what she would like on the reader board.

A motion was made by Wickersham and seconded by Heleker to approve Patrick's Pub and Kathy Patrick's events to be on the reader board.

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

**DEPARTMENTAL REPORTS**

- A. Police Department – January 2015
- B. Treasurer's Report – January 2015
- C. Parks & Rec Committee – February 4<sup>th</sup>

Councilor Jensen stated that Katrina at the pool stated that they are picking up attendance and that they pool is starting to show some wear and tear. Randy from the Parks Department stated that Idaho Power did remove 5 of the trees in the park.

- D. Airport Commission – February 9<sup>th</sup>

Councilor Wickersham stated that he did have an estimate coming in higher for the extension on the airport.

- E. Library Commission – February 10<sup>th</sup>

Councilor Dale stated that we were one of the 8 libraries in Idaho to get a grant to get training. Councilor Sands stated that he would like to let everyone know that the director's report is very well put together.

- F. Public Safety Committee – February 10<sup>th</sup>

**MAYORS COMMENTS**

Mayor Williams stated in your packet is the Economic Breakfast.

Mayor Williams stated that on the 28<sup>th</sup> of this month the R&L Event Center will be having a dance and the proceeds will be going to the Miracle Field.

**CITIZEN'S COMMENTS**

Councilor Wickersham stated that Matt from the Boy's and Girl's Club would like to have another meeting soon.

Councilor Jensen stated that they are \$20,000 shy of laying down the matted field to qualify this as a miracle field. They would like to have this done by that event.

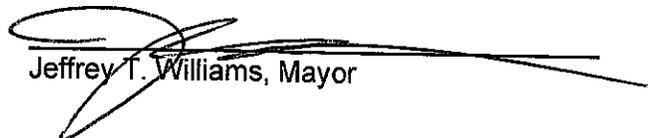
Liz Amason stated that she does have tickets for the R&L Event Center.

**ADJOURNMENT**

A motion was made by Heleker and seconded by Jensen to adjourn the regular meeting at 7:48pm.

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

Signed this 17<sup>th</sup> day of March, 2015.

  
Jeffrey T. Williams, Mayor

ATTEST  
  
\_\_\_\_\_  
Tiffany Howell, Assistant City Clerk