

**MINUTES  
PAYETTE CITY COUNCIL  
Public Hearing, Work Session & Regular Meeting  
April 2<sup>nd</sup>, 2012**

**6:00 PM – Public Hearing**

- A. Notice of public hearing on the status of funded activities – ROSE Advocates

Clerk Cordova stated that as part of the grant the City has to hold two public hearings. The first public hearing was held during the beginning of the project and we are holding this one tonight because the project is almost completed. Clerk Cordova stated that this is an opportunity for the public to give input. The cities opinion is the project is going great. They are supposed to be wrapped up this month which is ahead of schedule. The original completion date was scheduled for June of this year. Delores Larson from ROSE Advocates stated that they will still have the grand opening sometime in June and they want to move in as soon as possible. The contractor is still waiting to paint the exterior of the building as well as some landscaping. They are just waiting for the rain to subside.

- B. An application by the City of Payette for Rae Subdivision for preliminary subdivision plat, a portion of Block 39 of the Westslope Plat lying within the SE1/4NW1/4 of Section 3, T 8 N, R 5 W, B.M., City of Payette, Payette County, Idaho. The property is zoned C-2 Commercial.

Application has been withdrawn.

- C. An application by the Church of Christ for a Variance of 4 ½ feet to the front setback requirements at 138 S. 9<sup>th</sup> St., E1/2 Lots 11 & 12, Block 8 Payette, Masters Orig. The property is zoned C-1 Commercial Downtown.

Edgar Bryant – 1134 Center Avenue; Payette, Idaho

Mr. Bryant stated that the property line is right at the back of the sidewalk and according to the information that I have been able to obtain from the county I measured from the center of 9<sup>th</sup> and measured 49' back and designated that as the property line. We want to get older people into the building and the steps are narrow and steep and it is difficult for our members to climb the steps. If you will look back at the last page of the plans it shows a drawing of the elevation and the landing is 7" from the threshold, so there is not a step right out the door, you have to step down. The landing is only 3'4" and we want to build the stairs up so we are able to get the elevation of the land to the threshold. We also want to put a lift for wheelchairs and to be compliant I have to come out 5 feet which is beyond the property line, plus adding a step, so that puts me out 4 ½ feet. As you will see the existing sidewalks will not be affected by the 4 feet extension of the steps. Mr. Bryant stated that he has stood at the building and watched the traffic and it is very rare that they go on the larger patio part of the sidewalk. The foot traffic as general public is concerned there is no impediment; there is no change in habits for the citizens. Getting the people into the building is our prime concern and bringing the stairs up and getting people in wheelchairs to the church is our main concern. The new steps will be an over pour of the old steps and the old steps will be attached to the building. I will break down the existing surface so we get a good pour and I will stabilize the old concrete, as well as put a base in to support the new stairs. Councilor Nelson asked if the drawing shows where the new steps will be. Mr. Bryant showed the Council a drawing of what they want to do. Councilor Nelson asked Mr. Bryant if this is the main entrance into the church. Mr. Bryant stated yes. Councilor Heleker asked if this is a variance to the setback. Mr. Bryant stated that the zoning

calls it a variance, I called it an appeasement. Mr. Bryant stated that the property line was originally at the sidewalk according to the county and then the 9<sup>th</sup> Street assessment took away that area and 100' is what a street has to be. What I would like to do is sneak out 4 ½ feet for now.

Councilor Hanigan stated that the future easement we require is he still in the guidelines. City Engineer Doug Argo stated that a portion of it would be into the front sidewalk and the slab, so there would still be plenty of sidewalk to get around this. We don't expect to need this right of way any time soon. My only thought would be if for some unforeseen reason the City did need to use the right of way we would not reimburse them for the work they want to do. Mr. Argo stated that if we allow this we wouldn't reimburse them and I think this is already in the city code.

D. An application by Tammy Jacobs for a Variance to allow her parents to live in a 5<sup>th</sup> wheel at 1150 12<sup>th</sup> Ave. S., South Park Sub, Lot 16, Block 1. The property is zoned B-Residential.

Tammy Jacobs – 1150 12<sup>th</sup> Avenue South; Payette, Idaho

Mrs. Jacobs stated that her dad has terminal lung cancer and her mom has dementia and is in the Payette Care Center. Mrs. Jacobs stated that she wants to do this because they do not have the funds to pay for these themselves. Mrs. Jacobs stated that she has water and sewer at the property and she was living there herself when her house was being built. It's a 40 foot air stream camper and we would have to move our camper around if this is approved. Councilor Jensen asked if she plans on taking the wheels of the camper. Mrs. Jacobs stated no, that if something happens to her dad it will be gone because her mother will not live there by herself. Councilor Hanigan asked Mrs. Jacobs how long ago she built her house. Mrs. Jacobs stated 8-9 years ago. Councilor Hanigan asked if she lived in the 5<sup>th</sup> wheel while building the home. Mrs. Jacobs stated yes. Councilor Jensen asked what kind of cancer. Mrs. Jacobs stated that he has lung cancer and a spot on the brain. Mrs. Jacobs stated that it could be a year and it could be a month. Councilor Jensen asked if she is the only family member locally. Mrs. Jacobs stated yes. Councilor Mussell asked if any of the neighbors had issues when you lived there during the time you built your house. Mrs. Jacobs stated not that she knows of. Councilor Heleker stated that we have granted this before but are we running into any issues granting this? Mrs. Jacobs stated that she has had dump trucks back there and Idaho Power has access to their transformers, so there is room. Councilor Sands stated that there is nothing in our code that says you cannot park your own camper and plug it into water and leave it there.

Clerk Cordova stated that we made a mistake accepting this application and there is no section that even allows this. Several sections do not allow this in the city code and it is unlawful for anyone to occupy a trailer and live in it and we do grant a permit while someone is building their house and it is only good for 120 days. Clerk Cordova stated that what they are wanting is a hardship and we do not allow this and neither does Payette County nor it is not a good precedence to set. When we sent out this notice the calls we got were phenomenal and even the nearby trucking company wanted to put up there truckers in 5<sup>th</sup> wheels. If we want to change the ordinance we can, but as of right now it is not allowed. Councilor Sands stated that he knows for a fact that we have granted these before one is Chet Boren and one is Needs. Clerk Cordova stated that Boren was in the County at the time and when he came into the City he was a nonconforming use and he wanted a hardship for a singlewide not a 5<sup>th</sup> wheel. Councilor Nelson asked if there is much of a difference between a single wide and a 5<sup>th</sup> wheel. Clerk Cordova stated that there is a size definition in the code. Councilor Hanigan asked Clerk Cordova if someone suffered a fire in their home would we allow them to live in an RV until their home was rebuilt. Clerk Cordova stated that we do allow a 120 day permit to live in one while your home is being rebuilt. Councilor Jensen asked why we accepted the application when it was illegal. Clerk Cordova stated that we will take requests for variances and it was explained to Mrs. Jacobs that it would be a tough battle and that it is not allowed. Clerk Cordova stated that remember what we do for one we do for all. Councilor Sands stated that he

disagrees; these should be considered on an individual basis. We talk about having the lowest levy rate in the county but we cannot grant someone a permit while their parents are dying. Councilor Hanigan asked if her mom is in a care center. Mrs. Jacobs stated that she is in rehab. Councilor Hanigan stated that there is no way they can live in the home with you. Mrs. Jacobs stated that we have tried it and there is controversy. Mrs. Jacobs stated that she knows of someone in Fruitland that this is happening too. Councilor Sands asked if one of the parents passed away will the other one live with you. Mrs. Jacobs stated no, her mom will move to a care facility. She stated that she will follow all the guidelines. Councilor Heleker stated that if we want to show the compassion, but in this case we cannot grant the variance we would have to change our code and how do we do that. Councilor Sands stated that we have a lot of people that do it and don't come to us. Councilor Sands asked if we have the power to grant it or not. Attorney Osborn stated that this authority has the power to grant this if they so desires, I am not going to prosecute them if they do it anyways. Attorney Osborn stated that Planning and Zoning has to make a recommendation and they did not make one. Since they did not make a recommendation we should not even be talking about it.

Mike Anderson – 11550 Virginia Lane; Payette, Idaho 83661

Mr. Anderson stated that he has a 96 year old mother that is living with him and I think she should have it.

Chief Clark stated that he remembers the Mayor saying that anyone can argue anything. The other is that if this goes I know of a couple others that will be coming in and asking for the same thing. The third thing is we do need something that allows for hardships. I get people in here all the time asking for hardship permits and I understand what Mary is saying as well, we don't have anything to work with. Councilor Sands asked if you have to contact everyone within 300 feet by mail. Clerk Cordova stated yes. Clerk Cordova stated that we received probably close to 10 phone calls on this issue for people wanting the same thing.

The public hearing closed at 6:50pm.

#### **6:50 PM – Work Session –**

##### **A. Proposed Fee Changes-**

Councilor Nelson stated that we had questions about items 62 and 66 from last meeting. Clerk Cordova stated there are explanations. Councilor Sands stated that it all depends on budget time. Councilor Nelson asked if we need a public hearing if we go forward. Clerk Cordova stated yes as well as a resolution. Councilor Nelson asked what the feeling of the Council was. Councilor Hanigan stated that by having a public hearing everyone gets a chance to voice their opinion. Councilor Sands asked if Clerk Cordova is comfortable with the fees. Clerk Cordova stated that she would like us to establish a few items that are not on the list, but as far as the fees I think what is proposed needs to be changed. It is in line with the surrounding communities, not regarding our size, but our surrounding communities. The changes are definitely needed. Councilor Nelson asked if they were less or more. Clerk Cordova stated that we are less. Councilor Heleker stated that he doesn't think staff recommended anything that is out of whack with what we need. Our intent is so the city doesn't go in the hole. I think this is something to take to the citizens and let them disagree and give us a reason why. Councilor Jensen asked if this was the proposal that was brought to the Admin and Finance Committee. Clerk Cordova stated yes. Councilor Nelson asked if the Council wants Mary to schedule a public hearing. After a consensus from the Council it was decided that we send this for public hearing publication.

B. Idaho Power Franchise-

Councilor Nelson stated that we do not have any time to discuss this item and it will be moved to next meeting.

The work session concluded at 6:59 PM.

**7:00 PM – Regular Meeting**

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

**ROLL CALL**

Members Present: Council President Lee Nelson, Mark Heleker, Ivan Mussell, Georgia Hanigan, Jeff Sandsand Craig Jensen

Members Absent: Mayor Jeff Williams

Staff Present: Mary Cordova, City Coordinator; Steve Castenada, Fire Chief; Mark Clark, Chief of Police; Doug Argo, City Engineer; Randy Schwartz, WWTP Superintendent; Bert Osborn, City Attorney; and Tiffany Howell, Assistant City Clerk.

**PLEDGE**

Councilor Nelson led the pledge of allegiance.

**CITIZENS COMMENTS**

None heard.

**APPROVAL OF MINUTES**

A motion was made by Heleker and seconded by Mussell to approve the work session and regular minutes of 03-19-2012, 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 Jensen to approve the City Bills & Payroll in the amount of \$218,479.81.

At the roll call:

Ayes: Heleker, Mussell, Hanigan, Sands, and Jensen

Nays:

The motion CARRIED.

**SPECIAL ORDERS**

None Heard

**COMMUNICATIONS**

A. Payette – “A Recreation Playground”

**PLANNING & ZONING**

A. Meeting Minutes of February 23, 2012

**OLD BUSINESS**

- A. ORDINANCE 1361 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 5.17 OF TITLE 5, ADDING NEW CHAPTER 5.18, DANCES, DANCE HALL LICENSES AND REGULATIONS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY – 2<sup>nd</sup> Reading

A motion was made by Mussell and seconded by Heleker to introduce Ordinance 1361 by title only.

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

Councilor Hanigan asked if we have had any comments at City Hall regarding this Ordinance. Clerk Cordova stated no. Chief Clark stated no.

A motion was made by Hanigan and seconded by Sands to suspend the rules and pass Ordinance 1361 on its 2<sup>nd</sup> reading.

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

A motion was made by Mussell and seconded by Heleker that Ordinance 1361 do pass.

At the roll call:

Ayes: Heleker, Mussell, Hanigan, Sands, and Jensen

Nays:

The motion CARRIED.

## **NEW BUSINESS**

- A. Variance Application – Church of Christ -

A motion was made by Hanigan and seconded by Mussell to approve the Variance Application for the Church of Christ for a 4 ½ foot setback to the front stairway, and that there be no compensation if the city needs the right of way and that a building permit is required.

At the roll calls:

Ayes: Heleker, Mussell, Hanigan, Sands, and Jensen

Nays:

The motion CARRIED.

- B. Variance Application – Tammy Jacobs -

A motion was made by Heleker and seconded by Mussell to deny the Variance Application for Tammy Jacobs.

At the roll call:

Ayes: Heleker, Mussell, Hanigan

Nays: Jensen, Sands

The motion CARRIED.

C. Beer License Application – Jimbo's Restaurant

A motion was made by Hanigan and seconded by Jensen to approve the Beer License Application for Jimbo's Restaurant.

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

D. Payette Civic League – Queen's Coronation Donation Request -

A motion was made by Mussell and seconded by Sands to donate three 1 month family pool passes to the Payette Civic League's Queen's Coronation.

At the roll call:

Ayes: Heleker, Mussell, Hanigan, Sands, Jensen

Nays:

The motion CARRIED.

E. ORDINANCE 1364 – AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 5.32 IN OF TITLE 5, REQUIRING PAWNBROKERS OR PAWNSHOPS TO USE AN APPROVED, FUNCTIONING AND COMPATIBLE REPORTING PROGRAM; ADDING NEW SECTION 5.32.125 REQUIRING TRANSMITTAL OF DAILY REPORTS; DELETING SECTIONS 5.32.140 AND 5.32.150; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER – 1<sup>ST</sup> Reading

A motion was made by Heleker and seconded by Mussell to introduce Ordinance #1364 by title only.

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

A motion was made by Heleker and seconded by Jensen to move 1364 to its 2<sup>nd</sup> reading.

The motion CARRIED.

F. ORDINANCE 1363 – AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 15.04; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN

SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER;  
PROVIDING A PENALTY – 1<sup>ST</sup> Reading

A motion was made by Heleker and seconded by Mussell to introduce Ordinance 1363 by title only.

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

A motion was made by Heleker and seconded by Sands to suspend the rules and pass Ordinance 1363 on its 1<sup>st</sup> reading.

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

A motion was made by Heleker and seconded by Mussell that Ordinance 1363 do pass

At the roll call:

Ayes: Heleker, Mussell, Hanigan, Sands, and Jensen

Nays:

The motion CARRIED.

G. Payette County Chamber – Donation Request-

A motion was made by Mussell and seconded by Heleker to donate two 3 month family passes to the Payette County Chamber.

At the roll call:

Ayes: Heleker, Mussell, Hanigan, Sands, and Jensen

Nays:

The motion CARRIED.

H. Change Order #9 – Payette Library Project –

A motion was made by Heleker and seconded by Jensen to approve change order #9 in the amount of \$378.93 for the Payette Public Library to KEPHA Construction.

At the roll call:

Ayes: Heleker, Mussell, Hanigan, Sands, and Jensen

Nays:

The motion CARRIED.

I. Change Order #3 – ROSE Advocates –

A motion was made by Heleker and seconded by Hanigan to approve change order #3 in the amount of \$892 for the ROSE Advocates building to Scott Hedrick Construction.

At the roll call:

Ayes: Heleker, Mussell, Hanigan, Sands, and Jensen  
Nays:

The motion CARRIED.

J. FY 2013 Budget Public Hearing Date

The Council was informed that the date of the public hearing will be August 20, 2012.

**DEPARTMENTAL REPORTS**

- A. Payette Fire Department – March 2012
- B. Payette Police Department

Chief Clark stated that they have an “A Ride” training coming up at the Fire Department. The class involves us actually having people drink and we take their blood alcohol levels. Chief Clark stated that we are doing this at the Fire Department and I know we do not allow alcohol in any of our buildings. If anyone has any questions or concerns please call me and the training will be held Monday and Tuesday. Chief Castenada stated that it will be in a locked area in the Fire Department. Chief Clark stated that we are hosting it for all agencies in the area and no one is allowed to drive even if they are under the limit, we take them home.

Clerk Cordova stated that the library got their temporary certificate of occupancy for the new portion of the library. Clerk Cordova stated that they are very appreciative to the Street Department for all their help in moving into the new side. Clerk Cordova stated that we will be having a change order coming through next time regarding a sewer issue. I urge all of you to go and check out the library.

Chief Castenada stated that the extrication training was a huge success. Chief Castenada wanted to say a big thank you to Hanigan’s Chevrolet and TVM Recycling for all their help during this event.

**MAYOR’S COMMENTS**

None Heard.

**CITIZEN’S COMMENTS**

Councilor Heleker stated that on behalf of the McCain Complex Committee they talked about the concession/restroom storage building. The committee would like to keep the original building size and we met with the Payette County Recreation and have decided to do the building in phases. This will allow us to have the building we want and not be financially strained. We would like to in a couple of years add on to this building so this complex will bring people to town. We would like to start with the concessions area. The City of Payette has offered to donate 4 trees to the complex and after speaking with the committee we wanted to put four out of the six by the concession area. At the meeting today we discussed that since the building is going to take longer than anticipated and we thank you for the donation, but we will not be able to accept them. At the meeting Mrs. King stated that since the trees were originally donated to go on school ground can they still go on school property. We are hoping that the City of Payette would be willing to help us with this donation.

**ADJOURNMENT**

A motion was made by Helekerand seconded by Sands to adjourn the regular meeting at 7:47 PM.

The motion CARRIED.

Signed this 16 day of April, 2012.

  
\_\_\_\_\_  
Lee Nelson, Council President

ATTEST:

  
\_\_\_\_\_  
Mary Cordova, City Clerk

## CITY OF PAYETTE

APRIL 2, 2012

CITY OF PAYETTE - PAYROLL	3/23/2012	ET	114,101.44
AMERICAN LEGION - Legis	3/20/2012	6214	975.00
EDGE PERFORMANCE SPORTS - Park	3/29/2012	6217	5,199.00
HARDIN SANITATION - Admin	3/20/2012	6213	26,608.84
PAYETTE COUNTY ROAD & BRIDGE - Street	3/19/2012	6212	4,000.00
ADVANCED CONTROL SYSTEMS - WWTP	4/2/2012	6218	269.00
ALLIED BUSINESS SOLUTIONS - Library	4/2/2012	6219	17.30
BRADY INDUSTRIES - Admin	4/2/2012	6220	104.48
CHEAPER THAN DIRT - Police	4/2/2012	6221	34.68
CITY SERVICE VALCON - Airport	4/2/2012	6222	6,367.22
D&B SUPPLY - Street & WWTP	4/2/2012	6223	146.33
DART'S TRUE VALUE - All Dept.	4/2/2012	6224	780.85
DCS TECHNOLOGIES - Water, WWTP & Library	4/2/2012	6225	658.35
ERA - WWTP	4/2/2012	6226	577.02
GALL'S - Police	4/2/2012	6227	29.41
HARDIN SANITATION - All Dept.	4/2/2012	6228	802.36
ICRMP - Admin	4/2/2012	6229	40,741.50
IDAHO POWER - Street	4/2/2012	6230	4,050.16
IDAHO TRANSPORTATION DEPT. - Police	4/2/2012	6231	10.00
INDEPENDENT ENTERPRISE - Admin & ROSE	4/2/2012	6232	299.82
INTERNATIONAL STONE - Street	4/2/2012	6233	250.00
JERRY'S BUYWAY - Park	4/2/2012	6234	67.96
L.N. CURTIS AND SONS - Fire	4/2/2012	6235	1,002.48
MES-NORTHWEST - Fire	4/2/2012	6236	7,578.30
MICROMARKETING - Library	4/2/2012	6237	28.49
ONTARIO BEARING & HYDRAULIC - Street	4/2/2012	6238	7.75
PAYETTE AUTO SUPPLY - Water	4/2/2012	6239	117.31
PAYETTE PRINTING - Park	4/2/2012	6240	62.00
PITNEY BOWES - Admin	4/2/2012	6241	126.48
QT TECHNOLOGIES - Airport	4/2/2012	6242	995.00
R.T.'S - Street	4/2/2012	6243	36.00
RADAR SHOP- Police	4/2/2012	6244	738.00
S&H TERMINAL - Shop & Street	4/2/2012	6245	195.25
SAV-ON BLDG - Library	4/2/2012	6246	224.00
SMITH, KATRINA - Pool	4/2/2012	6247	23.36
SNO-ISLE LIBRARIES - Library	4/2/2012	6248	64.00
SOUTHWEST HEALTH DISTRICT - Fire	4/2/2012	6249	91.00
STAPLES - Pool	4/2/2012	6250	162.99
SUNRISE ENVIRONMENTAL - Street	4/2/2012	6251	299.33
TOSHIBA FINANCIAL - Admin	4/2/2012	6254	369.60
UNITED PARCEL SERVICE - Police	4/2/2012	6252	17.75
WILDLAND FIRE-RESCUE - Fire & Police	4/2/2012	6253	250.00
	4/2/2012		
			218,479.81