

**MINUTES
PAYETTE CITY COUNCIL
Public Hearing & Regular Meeting
April 06, 2015**

6:33 PM – Public Hearing

ROLL CALL

Members Present: Mayor Jeff Williams, Mark Heleker, Ray Wickersham, Craig Jensen, Jeff Sands and Lee Nelson
Members Absent: Nancy Dale was excused
Staff Present: Mary Cordova, City Administrator; Doug Argo, City Engineer, Mark Clark; Police Chief and Tiffany Howell; Assistant City Clerk

A. Residential Use in Commercial Zones

Cordova stated that she believes we need to work on this still. We have been struggling back and forth with residential use in a commercial zone and how to allow it. We have went through several meetings with P&Z, and debated back and forth and I don't think we are quite there yet, even though we are having a public hearing. Cordova continued that we need to allow residential use in certain zones, and if that residential use has been there regardless of how long it has been there, it should be allowed to continue. She suggested that we may not want to do this in the downtown zone, because most of those uses are in conjunction with commercial uses and we would like to make sure the safety is there for the combination of uses. We often use Bobbie Black's house as an example; it has been there since the 1930's, and has always been residential use. If the sale of the property occurs, our current code states there must be conditional use permit issued, which is the whole reason we are looking at changing this.

Councilor Jensen stated that this is kind of what we were looking at doing. If someone would like to buy it and keep it a residential use then why do they need to come in and get a permit? I can understand our concerns about people who own property downtown; that is a different exposure then just a single family dwelling.

Councilor Heleker commented that the safety factor is what sparked his interest. What if the use of the commercial use around the residential structure has changed? What if there is some danger factor that now exists? Maybe it would be necessary in certain zones that we keep this the same. Councilor Wickersham added that he doesn't mind having to make them get a permit, he does not like the idea of charging them for each time they come in to get a permit.

Mayor Williams stated that because he gets into a lot of these houses, the homes on both sides of HWY 95 from Arctic Circle down to the track on Center, should we just say if it's a residence we can just keep it the same? Is that any different from Mandarin Restaurant to A&W. Councilor Wickersham stated that he doesn't understand why we would charge them for something that is house and will be a house. Mayor Williams continued that do we as a city feel that there should be any other things for conditional use permits for those two areas?

Councilor Heleker stressed that from the safety standpoint, backing out of issuing CUP's really concerns him. Councilor Nelson stated that the commercial zone is 300' from 95, correct? Cordova

stated yes. Councilor Nelson asked if it was the same 300' by Mandarin. Cordova replied no. Councilor Sands pointed out that if Mr. Nelson was to sell his house, the new person needs to come in and get a permit. If he wanted to buy a house for his own personal use, he does not like the idea of this body telling me him he may not be able to keep it as a residence. Sands did not believe that is good business. Councilor Heleker agreed with Councilor Sands, but felt that the safety issue needs to be addressed or restrictions set for that area, and at the same time did not want to be a tough town to deal with.

Mayor Williams observed that a real reason exists to do this for certain properties, for instance the upstairs properties downtown, and there are some really big safety issues down there. However, there are certain areas in town that don't make sense as to why we require a CUP. Councilor Jensen stated that this issue got brought up to make it easier for the citizens and that is why we are addressing this. He asked Mayor Williams that as a realtor, does he have to disclose if a house has to have a conditional use permit? Mayor Williams stated yes. Councilor Jensen stated that he would just assume not be involved in it, just let them have it.

Councilor Heleker stated that he is still concerned with the safety issue. In his place of employment there are rules and safety is something that comes first. We always factor safety in and that is what makes it difficult for him and it is going to make things difficult for people, but if we know there is a safety factor, then are we being negligent in our duties? Councilor Jensen asked Mayor Williams if they have to disclose this at the time of the sale. Mayor Williams stated yes. Councilor Wickersham remarked that he understands that point, but there are several houses that people have to back out and be blinded by that. He does not like the aspect of charging people for the CUP. Mayor Williams asked Cordova if we went in the direction she was looking. Cordova stated yes. Attorney Osborn stated that we will continue the public hearing to April 20th at 6:30pm.

The public hearing closed at 6:54pm.

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, Ray Wickersham, Craig Jensen, Jeff Sands and Lee Nelson
Members Absent: Nancy Dale was excused
Staff Present: Mary Cordova, City Administrator; Doug Argo, City Engineer; Mark Clark; Police Chief and Tiffany Howell; Assistant City Clerk

PLEDGE

The Pledge of Allegiance was led by Mayor Williams.

A motion was made by Sands and seconded by Heleker to amend the agenda to include Item M – Special Event Permit for Brenda Everhart.

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

CITIZENS COMMENTS

None Heard.

APPROVAL OF MINUTES

A motion was made by Heleker and seconded by Wickersham to approve the minutes of 03-16-2015 and 03-26-2015 as written.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Sands and seconded by Heleker to approve the City Bills & Payroll in the amount of \$352,334.09

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

The motion CARRIED.

SPECIAL ORDERS

- A. Proclamation – National Service
No comments heard.

COMMUNICATIONS

- A. Payette Police Department – Animal Rescue
No comments were heard.

PLANNING & ZONING

- A. Meeting Minutes – March 26, 2015
No comments were heard.

AGENDA ITEMS

- A. Patti Stowell – Check Policy

Mayor Williams stated that we reviewed this last time and we were going to have staff review this and come back with comment. Cordova stated that we did a little bit of research and as a result we have changed a few things on Resolution 2009-04, which establishes a time frame.

- B. Ramona Duenaz – Home Repair

Roger Garza – 2141 Bishop Avenue; Fruitland, Idaho

Mr. Garza stated that his mom went through the court and would like to get started right away on removing the stairs and wants to know if that is ok. Mayor Williams stated that there seemed to be some confusion last time about whether an architect is needed. Attorney Osborn stated that is

correct, an architect is needed. Mayor Williams recalled that the last time Mr. Garza addressed the Council, the Council asked him to get the building inspector involved with the process. Mayor Williams asked if Mr. Garza had contacted the building inspector. Mr. Garza replied no, but if he could get the information he would be happy to contact him.

Kelly Whiting –

Mr. Whiting stated that the concern is that the deck on the second story, if we tear that off would it be ok. Councilor Sands stated that would need to go through the building inspector and Mary. Mr. Whiting stated that the concern is that if someone goes out on the second story the deck could fall in. Councilor Wickersham stated that we would like the building inspector to look at it from a structural standpoint.

C. Ordinance #1392

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.32.030 IN CHAPTER 17.32 OF TITLE 17, ALLOWING RESIDENTIAL USE IN A COMMERCIAL ZONE TO CONTINUE WHEN SUCH USE HAS LAPSED FOR A PERIOD OF MORE THAN NINETY DAYS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER – 1ST READING

This item was postponed to the next regular meeting of the Council as the public hearing on the proposed ordinance was continued to the next regular Council meeting.

D. Donation Request Policy –

Councilor Sands asked if we would like to have the 3 month pass on the actual form itself. Mayor Williams stated that his recollection from the meeting was that we have annual things we donate to every year and that is always a good thing to keep in mind when we are giving out these donations.

A motion was made by Nelson and seconded by Heleker to adopt the Donation Request Policy and the Donation Request Form.

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

The motion CARRIED.

E. Resolution #2015-04 – Returned Items on Accounts

A motion was made by Heleker and seconded by Nelson to approve Resolution #2015-04 as written.

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

F. Physical Fitness Incentive Program

Chief Clark stated that he is just changing wording in the current policy to match the current practice of the requirement of participants passing both tests to receive the incentive.

A motion was made by Sands and seconded by Heleker to approve the amended Physical Fitness Incentive Program

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

G. Agenda Request – Dog Breed

Kelly Whiting – Defense Attorney

Mr. Whiting stated that he is defending a client who has a pit bull. I think the City Council needs to make an exception to the rules. Mr. Whiting stated that section 35.136 of the American Disabilities Act states that his client has the right to have his dog. Mr. Whiting stated that his defendant's dog is now licensed as a service dog. Mr. Whiting stated that the behavior of the dog is not covered by the American's Disability Act. Councilor Heleker asked if we could put stipulations on whether we allow vicious breeds or not. Mr. Whiting stated that he doesn't believe so. Councilor Nelson asked if it allows all breeds of dogs. Mr. Whiting stated yes, and some miniature horses. Mr. Whiting stated that this dog has been trained to let you know when Mr. Heidenreigh is going to have an attack. Mayor Williams stated that he highly recommends to the council that this is discussed in Executive Session.

H. Donation Request – Greater Payette Area Chamber of Commerce

Cleo Thompson – 75 North Iowa Avenue –

Mrs. Thompson informed the Council that the Chamber is having its first auction and would like to amend her donation request to \$50 per month for 4 months.

A motion was made by Jensen and seconded by Heleker to approve Donation request for the Greater Payette Area Chamber of Commerce and provide for a credit of \$50.00 to one water and sewer bill for a maximum of 4 months.

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

I. Donation Request – Four Rivers Free Health Care

Cleo Thompson – 75 North Iowa Avenue –

Mrs. Thompson stated that there is a free clinic for people with no insurance or Medicaid and it is all volunteer based. They are holding a fundraising event on April 25, would like a three month pass for the swimming pool.

A motion was made by Sands and seconded by Heleker to approve the Donation request for Four Rivers Free Health Care Clinic and donate 30 one day pool passes.

At the roll call:

Ayes: Wickersham, Heleker, Nelson, Jensen and Sands.

Nays:

The motion CARRIED.

J. Parks & Rec Committee – Pond Clean-Up

Gerald Loveland – 402 River Street; Payette, Idaho

Mr. Loveland stated that they would like to clean up and extend the path down at the Greenway around the pond.

Howard Long – 1839 1st Ave No; Payette, Idaho

Mr. Long informed the Council that he took his grandkids down to the pond on the Greenway and did not stay very long because it was such an eyesore. The pond has been a magnet for vandalism and some homeless people were living there. Mr. Long remarked that his is a member of the LDS Church, and has a very large group who want to give back to the community. His group would like to do a clean up on the pond and cut away some dead brush to allow better access, and to allow a safer place for kids. They would like to remove the brush to a safe area and have the brush chipped and returned to make a path around the pond and make it more environmentally friendly. They know this is a lot of work and they would like to take that on. They plan to have one pickup with a wench, and want to have the project done before the free fishing day for the kids in June, and would like to do this on the weekends. They would also like to have a maximum of 2 chainsaws and a safety person by each chainsaw. They want to give back to the community and make the park a beautiful place. Councilor Wickersham stated that Linda Guy would be a good contact for this group, as she did something like this last year.

A motion was made by Jensen and seconded by Heleker to support the pond clean up.

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

K. Change to Bike Park Pump Design

The Parks & Recreation Committee would like to create some parking for individuals going to the Bike Pump Park. Councilor Nelson stated that this is a safer alternative for people loading and unloading bikes. Councilor Nelson informed the Council that Kim Bruce stated if we can get approval for design change, that she could get the work and gravel donated.

A motion was made by Heleker and seconded by Nelson to approve the change to the Bike Park Pump Design

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

L. Railroad Boxcars/Motor Vehicles Cargo Containers

Cordova recalled that when this came in front of this body first, and then went to P&Z and we had a lot of discussion on taxable versus not taxable. The P&Z went back and forth for about 3 months and what you have in your packet on page 34 is what they would like to see in the city code. After some discussion by the Council, Cordova suggested that she would draft an ordinance and bring it to a work session at the next meeting. No objection was heard from the Council.

M. Special Event Permit – Brenda Everhart – Funeral Services

A motion was made by Wickersham and seconded by Heleker to approve the Special Event Permit for Brenda Everhart and waive the insurance requirements.

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

DEPARTMENTAL REPORTS

- A. Public Safety Meeting – March 18th
- B. Forestry Commission – March 24th
- C. Parks & Rec Committee – April 1st

No comments were heard under Departmental Reports.

MAYORS COMMENTS

Mayor Williams stated that the chamber event is this Saturday at 6pm at the R&L Event Center. Also, Bobbie Black has worked really hard with our Forestry Commission to obtain the Growth Award for the City of Payette. Mayor Williams also stated that on page 19 of the donation policy it was blacked out about family or city council members receiving donations and wanted that to be noted by the Council. Councilor Sands stated that good judgment needs to be involved in this matter.

Councilor Jensen stated that April 16th at 4pm behind the McCain Middle School is the kick off and grand opening of the Miracle Field. Councilor Heleker added that the Miracle Field event is the kick off to the Harmon Killebrew Days events here in town.

CITIZEN'S COMMENTS

Liz Amason – 490 North 20th Street; Payette, Idaho

Ms. Amason stated that the HTC Committee has been working diligently on the Downtown revitalization efforts. Ms. Amason then observed that on the City website, the committee minutes are not up to date and she would like to see these brought up to date. She also informed the Council that her opinion was the website was too difficult to navigate. Cordova stated that we are in the process of updating our website.

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 into executive session pursuant to I.C. 67-2345(1) (f) at 8:40 PM

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

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

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

ADJOURNMENT

A motion was made by Heleker and seconded by Nelson to adjourn the regular meeting at 9:03 pm.

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

Signed this _____ day of _____, 2015.

Jeffrey T. Williams, Mayor

ATTEST:

Tiffany Howell, Assistant City Clerk