

**MINUTES
PAYETTE CITY COUNCIL
Work Session, Appeal Hearing & Regular Meeting
August 1, 2011**

5:20 PM – Work Session

ROLL CALL

Members Present: Mayor Jeff Williams, Georgia Hanigan, Les Cochran, Mark Heleker, Kathy Dodson and Ivan Mussell

Members Absent: Lee Nelson

Staff Present: Mary Cordova, City Coordinator; Dave Platt, Police Captain; Doug Argo, Holladay Engineering; Jamie Couch, Street Superintendent; Randy Schwartz, WWTP Superintendent; Tiffany Howell, Assistant City Clerk; Jennifer Kelley, HR

- A. Highway 52 Heritage By-Way Committee:** Anne Curtis from the Payette County Museum stated that she did not have any updated information, but stated that she will be back at a later date to ask for funding.
- B. Budget Discussion:** Mary Cordova presented the Council with the preliminary budget. Ms. Cordova and the Council discussed the budget and the Council had no significant changes to the budget as presented.
- C. Employee Handbook:** Jennifer Kelley presented the council with a change to the employee handbook regarding Paid Time off (PTO). The Council decided to strike the following from the second paragraph "at least one week".
- D. Porta Potty at Greenway –** Ivan Mussell stated that he is on the Parks and Recreation Committee and there has been an issue with human feces at the Greenway and the Committee would like to see a porta potty at the Greenway. The Council directed staff to order a porta potty and have it placed in the parking lot of the Greenway behind the fence and make sure it is secured so it doesn't end up in the river.
- E. General Discussion:** Mary Cordova stated that the City was awarded a \$125,299 grant from the State of Idaho Bureau of Homeland Security to repair the Greenway. Ms. Cordova stated that this is thanks to the hard work of Bobbie Black.

The work session closed at 6:48 p.m.

7:00 PM – Regular Meeting

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

ROLL CALL

Members Present: Mayor Jeff Williams, Katherine Dodson, Georgia Hanigan, Les Cochran, Mark Heleker, and Ivan Mussell

Members Absent: Lee Nelson

Staff Present: Mary Cordova, City Coordinator; Dave Platt, Police Captain; Doug Argo, Holladay Engineering; Dave Platt, Captain; Jaimie Couch, Street Superintendent; Randy

Schwartz, WWTP Superintendent; Tiffany Howell, Assistant City Clerk; Jennifer Kelley, HR

PLEDGE

Jennifer Kelley led the pledge.

CITIZENS COMMENTS

None Heard.

APPROVAL OF MINUTES

A motion was made by Heleker and seconded by Dodson to approve the work session and regular meeting minutes of 07/18/2011 as written.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Dodson and seconded by Mussell to the City Bills & Payroll in the amount of \$260,286.57.

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker and Mussell

Nays:

The motion CARRIED.

SPECIAL ORDERS

Mayor Williams presented Mary DeBord with a plaque. Ms. DeBord won 1st place in the City of Payette's Most Beautiful Yard Contest for the month of August. Ralph Uphoff was the honorable mention, but was unable to be at the meeting.

COMMUNICATIONS

Thank You Note from Riley Hill.

Thank You Note from Emmett Police Department.

PLANNING & ZONING

Meeting Minutes of 6/23/2011.

OLD BUSINESS

- A. ORDINANCE #1349 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW SECTION 17.80 TO THE PAYETTE CITY CODE WHICH SECTION REQUIRES DEVELOPMENT IMPACT FEES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER – 3rd Reading

A motion was made by Heleker and seconded by Mussell to introduce Ordinance #1349 by title only.

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker and Mussell

Nays:

The motion CARRIED.

Mayor Williams stated that this is the final reading for this ordinance and that it affects the budget. Mayor Williams stated that we do not have to pass all of them, we have currently been collecting development fees in the amount \$850 and the impact fees would be \$2900 for residential.

Councilor Mussell stated that he has a hard time to see the fees going up so much. Councilor Mussell stated that he is all for seeing new growth in the area, but doesn't want to stop building due to these fees. Councilor Mussell stated that the street fees are new and he would like to see it passed without the street fees and might be easier for people to build without that fee. Mayor Williams asked how often the fees can be revisited. Clerk Cordova stated that it needs to be looked at annually to see how you are working towards your projects that were listed on the capital improvement plan. If we exclude one of the categories now, we have to go through the whole process again. Mayor Williams asked if it can be done internally. Clerk Cordova stated yes, anything can be done internally with time.

Councilor Dodson stated ~~that she kind of felt~~ *asked if the City was obligated* obligated since we gave the money to have the study done. Mayor Williams stated that if we were to do anything with the Ordinance we need to pass it in its entirety or take out some items.

Councilor Hanigan stated that it is much better to collect impact fees by ordinance then to collect development fees on a kiss and a promise. Councilor Hanigan stated that she does tend to agree with Ivan that maybe the street fees need to be removed. Mayor Williams stated that this city has more parks than any other city around and we have a lot of land that we already own. I know that the big number is the streets but I personally don't see the need to collect a bunch of money for the parks.

Councilor Cochran stated that this brings back a lot of heartburn with council of past and present with ductile iron and the additional cost and now we are back doing something else to them that is going to cost them more money. I have not personally called or talked to anyone to see if they know or how they feel about this. Clerk Cordova stated that on your impact fee committee we did include developers and contractors locally and they were in favor of adopting it as a whole. Mayor Williams stated that one of the developers Stan Clements did not have a problem with it. In the interest of cost I hate to see us give up streets, but it is the biggest dollar amount. If we take away street and park it would bring us down to \$812. We have a new fire station going up and a new domestic violence shelter and I think public safety is a huge thing.

Doug Argo stated that at the last meeting there was some information requested from the City of Middleton. Their total impact fee for streets and parks was \$4.84 per square foot, \$1.64 for industrial and residential was \$1547 for a dwelling unit. Ridleys got their permit before these fees were implemented. Councilor Mussell stated that it might have kept them from building because of the high fees, but it is a catch 22. Councilor Heleker asked if the whole residential fee was \$1547. Mr. Argo stated yes.

A motion was made by Mussell and seconded by Cochran to pass Ordinance 1349 on its 3rd reading including police and fire fees in the amount of \$820 for residential and \$.50 per square foot for a non-residential.

At the roll call:

Ayes: Dodson, Cochran and Mussell

Nays: Hanigan, Heleker

The motion CARRIED.

Councilor Heleker stated that he wants people to come in, but I don't want to put the burden on the citizens of Payette that are already here. I am leaning towards something in the middle. Do we have to do all or nothing in the street fees? Clerk Cordova stated yes, but it does give the council the opportunity to do the exaction method, providing credit for infrastructure that they put in.

~~A motion was made by Heleker and seconded by Nelson to pass Ordinance 1349 as amended.~~

~~At the roll call:~~

~~Ayes: Dodson, Cochran and Mussell, Hanigan~~

~~Nays: Heleker~~

~~The motion CARRIED.~~

- B. ORDINANCE #1348 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 5.38 IN TITLE 5 TO LICENSE AND REGULATE USED CAR SALES AND USED CAR LOTS FOR THE PURPOSE OF SALES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY-2nd READING

A motion was made by Heleker and seconded by Hanigan to introduce Ordinance 1348 by title only.

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

Councilor Hanigan stated that she has a problem with franchised used car lots under this ordinance. Franchised companies have to have continuing education and so on. I don't think there is a reason to put new car dealers under this. Mayor Williams asked if this came from a committee. Clerk Cordova stated it came from Planning & Zoning. Councilor Hanigan stated that Commissioner Hanigan was not present when this ordinance was sent through planning & zoning. Clerk Cordova stated that there have been changes and the council does not have them in front of them tonight.

A motion was made by Mussell and seconded by Heleker to move Ordinance 1348 to its 3rd reading.

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

NEW BUSINESS

A. Larry & Nancy Kelley – 726 North 4th Street

Mayor Williams stated that he will be excusing himself from the meeting to represent Mr. Kelley. Mayor Williams stated that the Kelley's bought 12 feet of property from the church 10 years ago and at that time they were never told they needed to do a lot line adjustment. Mayor Williams stated that they just learned they needed to have their property surveyed because it is one of the requirements of the lot line adjustment when they applied for a conditional use permit for a garage they are building. Mayor Williams stated that he believes the Kelley's should get an exception due to the fact that they were never notified that they needed to do a lot line. Clerk

Cordova stated that the Council changed the lot line adjustment requirements in the code about 6 months ago to make it easier on our citizens. Clerk Cordova stated this is something that other people that are building in town are doing, and one of them happens to be in the audience tonight, Mr. Josh Jackson. Clerk Cordova stated that most of the time when someone sells another person property they just go down to the title company and have them draw up the papers and have it recorded and we are never notified until they pull a building permit. Clerk Cordova stated that she has talked to the county and when they see items like this come across they have started giving the City a courtesy call to let them know.

A motion was made by Heleker and seconded by Dodson to table this agenda item to the next agenda.

The motion CARRIED.

B. Curb Cut Request – Josh Jackson – 1005 Center Ave –

Mr. Jackson stated that since his curb cut is not 21 foot away from the current curb, he needs the council's approval. Mr. Jackson stated that since he had to reduce the size of his garage he has to park it in the driveway and needs a curb cut so he's not jumping the curb every time.

A motion was made by Mussell and seconded by Heleker to approve the curb cut request by Josh Jackson at 1005 Center Avenue.

The motion CARRIED.

C. Adoption of Employee Handbook

A motion was made by Heleker and seconded by Mussell to approve the employee handbook as amended with the "at least one week" omitted.

The motion CARRIED.

D. Appeal Hearing of Abatement of Dangerous Building – Tim McGourty – 121 N Main St

The council recessed into an Appeal Hearing at 8:04 pm.

Mr. McGourty – 3736 East Zaldaia Lane; Meridian, Idaho 83642

Mr. McGourty stated that he has owned the building for 25 years, and moved away from Payette 17 years ago. Mr. McGourty handed out a copy of the letter that the city wrote to Mr. McGourty and the response letter from Mr. McGourty as well as some pictures of the building. Mr. McGourty stated that the letter that was sent to him told him he needed to remove the west wall. This is a non-bearing load wall, and it has been a number of years since I have seen this wall and it is disappointing. My letter addresses grading and leveling the lot, putting in a new door and repairing the brickwork. Mr. McGourty was told that he needed to come in front of this board for approved. Mr. McGourty stated that as some of the council may or may not know he has been a commercial masonry contractor for over 30 years and does restoration of buildings. I haven't had much interest in this building over the years and the market hasn't looked good. I have had

people make offers but nothing to spark my interest. I think most of this damage had come over the last year and this is the first letter I have received from the city about the masonry work.

Councilor Mussell stated that Mr. McGourty is planning on doing the work and cleaning the place up what is the direction of staff. Doug Argo stated that he needs clarification on what Mr. McGourty wants to do. Mr. McGourty stated that if we are going to bring guys out we are going to fix the exterior of the wall and replace the bricks that have come loose, replace the door that is covered with plywood and the areas that have been damaged. I suggested removing the chimney at the end of the building. We would like to remove the debris at the back of the building and grade that area. Mr. Argo asked what he meant by restoring. Mr. McGourty stated that they would be restoring all the loose brick. Mr. McGourty stated that he was inside the building today and there is some sluffing at the base of one wall, so there is probably 7 or 8 days with 2 or 3 guys. Mr. Argo stated that he was part of the team that looked at this building. They got a warrant to go inside the building and check it out and other than this back wall there didn't seem to be any significant danger to citizens. We don't want a kid or person walking back there and a brick fall on them and get hurt. There could be several bricks that come down at once especially around the door, my perspective sounds like what his proposing will work. He would take down the portions of the wall that are unstable and rebuild it and put a gutter up and taking down the chimney, with that work I think he would mitigate this dangerous situation. Mr. Argo stated that is assuming he doesn't find anything that changes that. I apologize I didn't know you were a masonry contractor and that would have simplified some things. Mr. McGourty stated that he lived in this community for years and when he arrived and saw what it looked like he will get it taken care of.

Councilor Hanigan stated that she can vouch for Mr. McGourty's masonry background. Councilor Cochran stated that he can also vouch for Mr. McGourty's background. Councilor Cochran stated that he is one of the most irresponsible landlords we have, he has issued Mr. McGourty one ticket and possible two for this building we are talking about. Mr. McGourty stated that yes he has received a few violations for the weeds. Councilor Cochran stated that he has received citations for hazards and he would just assume him sell or tear down his building and not have any association with the downtown area.

Mayor Williams asked if there was a basement under this building. Mr. McGourty stated no, when he bought this building the floor joist were rotted out and no support system. When he bought the building he spent \$12,000 and poured new concrete floors and brought it up to a rental status and it was rented for 2 or 3 years.

Mayor Williams asked Attorney Osborn if they say ok goes ahead with the work what recourse do we have if he doesn't do what he says he's going to do. Attorney Osborn stated we grant his appeal saying he will do what he says and if he doesn't we do what we say we are going to do in the letter and do the work ourselves and assess it to the property.

Mayor Williams asked Mr. McGourty if he is going to bring this up to a rental status. Mr. McGourty stated that he wouldn't go that far. Mr. McGourty stated that he wants to do this repair and that the building needs to be cleaned up and to put it into a rental status would cost him at least \$10,000 to redo the store front, electrical and I'm not sure the current market allows. Mayor Williams stated that since you haven't been here for 7 or 8 years you might notice that our downtown is not as vacant as it once was. Mr. McGourty stated yes, he did notice that when he was driving into town and I would say this to the council that I certainly intend over the next 6 or 8 months to do repairs to the front of the building and that is not part of my purpose here today and

give thought that there are less vacant buildings. Mayor Williams stated that as a realtor that might be a way to generate some income.

A motion was made by Mussell and seconded by Hanigan to allow Mr. McGourty to commence with what he says he's going to do and revisit it upon complaints and to complete the work within 30 days.

At the roll call:
Ayes: Hanigan, Dodson, Heleker, Mussell
Nays: Cochran
The motion CARRIED.

The Council reconvened into the regular meeting at 8:17pm.

E. Special Event Permit – Valley Family Health Care

A motion was made by Heleker and seconded by Mussell to approve the special event permit for Valley Family Health Care in Kiwanis Park on August 5th from 9am to 4pm.

The motion CARRIED.

F. Change Order #9 for \$7,458.75 – Payette Fire Department

Mayor Williams asked if this was a duplicate change order, he thought we had already seen this come in front of the council before. Clerk Cordova stated no, it is a new one.

A motion was made by Heleker and seconded by Cochran to approve change order #9 in the amount of \$7,758.75 for the Payette Fire Department.

Councilor Dodson asked if this was an oops by the architect?

At the roll call:
Ayes: Hanigan, Dodson, Heleker, Mussell, Cochran
Nays:
The motion CARRIED.

G. Pay Request #11 for \$88,317.50 – Payette Fire Department

A motion was made by Mussell and seconded by Hanigan to approve pay request #11 in the amount of \$88,317.50 for the Payette Fire Department.

At the roll call:
Ayes: Hanigan, Dodson, Heleker, Mussell, Cochran
Nays:
The motion CARRIED.

H. Special Event Permit – Payette County Drill –

Captain Platt briefed the council on what will take place during the drill.

A motion was made by Heleker and seconded by Dodson to approve the special event permit for the Payette County Drill on August 3rd at the Riverside of Kiwanis from 8am to 5pm.

The motion CARRIED.

I. Recommendation to County Planning & Zoning – Craig Jensen – 10497 Railroad Lane -

Craig Jensen –

Mr. Jensen stated that he wants to add a 35x150 foot building and it will be 5 foot from the next building. In talking with Lindsay at the Payette County Planning and Zoning he submitted one plan with everything that He wants to do instead of paying the \$400 every time. Mr. Jensen stated that this is going to be a 10-12 year plan. Mayor Williams asked if the fire chief has given his ok. Fire Chief Tracy Carleton stated that without time to study this in depth it is not highly desirable for dead end driveways and water supply is a concern. Mr. Jensen stated that he owns the half an acre on the other side of the fence and it will eventually be open so you will have room to turn a truck around.

A motion was made by Cochran and seconded by Dodson to send a favorable recommendation to the Payette County Planning and Zoning Commission.

The motion CARRIED.

DEPARTMENTAL REPORTS

A. Fire Department – July 2011

Clerk Cordova stated that Tiffany Howell and Jennifer Kelley have been working very hard on a new website and it should be up and running sometime this week.

Randy Schwartz stated that the sand blasting crew finished Saturday and put it online today. Also, we had a little incident at the plant today. Ken Johnson was fixing a belt and cut the tip of his finger off.

MAYOR'S COMMENTS

None Heard.

CITIZEN'S COMMENTS

None Heard.

EXECUTIVE SESSION

A motion was made by Heleker and seconded by Mussell to adjourn to executive session per Idaho Code 672345(f) pending contract negotiation at 8:40 PM.

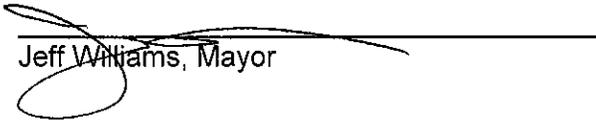
The motion CARRIED.

ADJOURNMENT

A motion was made by Heleker and seconded by Mussell to adjourn the regular meeting at 8:50 PM.

The motion CARRIED.

Signed this 17 day of October, 2011.



Jeff Williams, Mayor

ATTEST:


Mary Cordova, City Clerk

August 1, 2011

Vendor	Accepted	Check	Amount
City Payroll	07/28/11		88,083.47
HARDIN SANITATION, INC.	7/20/2011		29,986.64
ADVANCED CONTROL SYSTEMS	07/28/11	5202	269.00
ARGUS OBSERVER	07/28/11	5203	35.80
BRADY INDUSTRIES, INC.	07/28/11	5204	373.87
BORSE ELECTRIC	07/28/11	5205	5,100.00
CHEAPER THAN DIRK	07/28/11	5206	112.73
CONSOLIDATED SUPPLY	07/28/11	5207	573.38
DANI'S TRUB VALVE	07/28/11	5208	1,913.53
DCS TECHNOLOGIES	07/28/11	5209	1,102.48
DETAILS DONE RIGHT	07/28/11	5210	250.00
DRAPER ENTERPRISES	07/28/11	5211	275.00
ERA	07/28/11	5212	483.24
BRNIE'S ELECTRIC, INC.	07/28/11	5213	2,745.34
FERGUSON ENTERPRISES #3204	07/28/11	5214	1,262.97
FILTRATION TECHNOLOGY	07/28/11	5215	464.88
FRUITLAND ELECTRIC	07/28/11	5216	1,825.00
GALT'S INC.	07/28/11	5217	354.35
HANIGAN CHEVROLET	07/28/11	5218	251.79
HANIGAN, GEORGIA	07/28/11	5219	61.20
HARDIN SANITATION, INC.	07/28/11	5220	605.21
IDAHO ASPHALT SUPPLY	07/28/11	5221	15,877.45
IDAHO POWER, PROCESSING CENTER	07/28/11	5222	3,345.57
INDEPENDENT ENTERPRISE	07/28/11	5223	76.38
INTERSTATE ELECTRIC	07/28/11	5224	63.72
ISPEED	07/28/11	5225	160.00
JERRY'S BOVNAV	07/28/11	5226	75.39
KAMAN INDUSTRIAL TECHNOLOGIES	07/28/11	5227	55.23
KEPHA CONSTRUCTION	07/28/11	5228	88,317.50
L.N. CURTIS AND SONS	07/28/11	5229	52.00
LEONARD PETROLEUM	07/28/11	5230	2,372.50
MATERIALS TESTING	07/28/11	5231	212.00
METROCOITP, INC.	07/28/11	5232	2,118.10
ONTARIO FLOORS TO GO	07/28/11	5233	339.00
ONTARIO TOOL AND RENTAL	07/28/11	5234	55.00
OREGON CORRECTIONS ENTERPRISES	07/28/11	5235	89.00
OTTOCOOSMAN	07/28/11	5236	83.25
OXARC	07/28/11	5237	1,737.86
PAYETTE COUNTY SHERIFF	07/28/11	5238	5.00
PAYETTE PRINTING	07/28/11	5239	201.90
ROBBINS REFRIGERATION	07/28/11	5240	25.00
ROBERTSON SUPPLY	07/28/11	5241	30.38
SAFETY KLEEN	07/28/11	5242	289.40
SCOTCO DISTRIBUTORS, INC	07/28/11	5243	6,500.00
STATIS CREDIT PLAN	07/28/11	5244	100.75
SYME ELECTRIC	07/28/11	5245	369.00
UNITED STATES PLASTIC CORP.	07/28/11	5246	75.92
WHITE CLOUD COMMUNICATIONS	07/28/11	5247	295.56
WILLIAMS, JEFF	07/28/11	5248	61.20
XEROX CORPORATION	07/28/11	5249	1,173.41

Total: 260,286.57