

**MINUTES
PAYETTE CITY COUNCIL
Regular Meeting
November 19th, 2012**

6: 30 PM - PUBLIC HEARING

- A. To consider public comment regarding the institution of new or increased municipal fees for the Recreation, Library, Administration and Police departments.

Clerk Mary Cordova came before the Council and presented the resolution of fees to be discussed and implemented. The Council proceeded to inquire of fees being altered or added to the proposed resolution of fees; no public comment was heard.

- B. An application by Mike Moon for a Variance to the side and back setback at 2065 3rd Avenue North, E 35.52' Lots 2 & W 55.54' Lot 3 of Uehlins 2nd Sub. The property is zoned A-Residential.

Mayor Williams recused himself from the meeting due to a conflict of interest. Councilor Lee Nelson acted as Council President.

Walt Neitz—1103 West Main Street—Middleton, Idaho 83644

Neitz came before the Council and stated that the garage was two feet over the setback and Mike Moon later changed his mind and decided that the building would now be moved to meet setbacks, but in turn, would block access to the community well. Three lots have a community well that they have used since 1973. Neitz stated that if we move the building further to the east, the access becomes essentially impossible; Mike is asking to move the building two feet onto his property and to meet the setback. Councilor Sands asked if there was a building permit for this building; Clerk Cordova stated there was not. Councilor Jensen asked if the building was moved, how far it would be from the neighbor's property line; Neitz stated two feet. Councilor Mussel asked how long the garage has been there; Neitz stated that he believed it was there for a year and a half, but wasn't sure. Neitz stated that Mike hired a contractor and the contractor had assured Mike that there is a building permit for the building and he met the setbacks; that is obviously not the case here.

Mark Moore—2035 3rd Avenue North—Payette, Idaho 83661

Moore is the neighbor to Mike Moon. Initially he was thinking that the building was 4 inches onto his property and then found that it was actually 2 feet onto his property, with a total of 10 feet into their rights of the land. Moore stated that he is not opposed to having Mike's building there initially. Moore stated if there is ever an RV that needs access to the well, they won't be able to get to it. Moore stated that last year when Mike first came to us and told us of his plans, he wanted to put in a driveway. Moore stated that we had no problem and knew that the driveway would go onto a part my property and had drafted an agreement for that. Moore stated Mike then put up the building and we as neighbors assumed the contractor has put it on the correct property lines, and it turns out that there was a problem that the building was on my land. We are concerned about our rights to our property and the 8 foot setback; if Mike is already 2 feet over the property line that would push me back 10 feet for my setback. Moore stated that if we wanted to put up a shed of some kind in the future we wouldn't be able to with those setback restrictions due to the garage erected currently. Moore stated that it was his understanding that Mike wants to move it 4 feet back so it is within 6 feet of his 8 foot setback. Moore stated that the access to the well is most important if the building is moved over 4 feet it would be difficult to have access to it. Moore stated that he is concerned of giving up our rights to the land and our ability to build on our land if we so chose in the future with the garage standing where Mike wants it. Councilor Hanigan stated that if the 2 feet which may be granted to have the proposed garage over the property line onto Mark Moore's side; the property for Moore would still abide by an 8 foot set back from the side property line regardless of where the garage sits. If the garage sits 2 feet over the property line, Moore would still have to abide by 8 feet

from the same property line, not the garage. Councilor Sands asked if the building was brought back 2 feet which would then be on top of the property line, if this would be an issue for Moore. Moore stated no, we would be on regular constraints of the rules. Council President Nelson stated that the two property owners would have to work out where to put a new water line for the well if it came down to doing that.

Hazel Griffin—2085 3rd Avenue North—Payette, Idaho 83661

Griffin is the other neighbor to Moon. Griffin stated that her house sits on the end, Mike's house is in the middle, and Moore's house is after that. The concrete is deep in the driveway and if you come back to the driveway with a truck, there is no way the truck could access the well. Griffin stated that the building is 600 square feet and it is very tall.

Walt Neitz--1103 West Main Street—Middleton, Idaho 83644

Neitz stated that the garage is longer north and south than it is east and west. Neitz stated that the Council packet tonight shows more measurements regarding the size of the garage; the problem is getting a truck in-between the two buildings to access the well. Councilor Sands asked if the building is on a foundation; Neitz stated that it is on a slab. Councilor Sands asked Cordova if the building inspector has inspected this building; Cordova stated no.

Mike Partin—1520 Center Avenue—Payette, Idaho 83661

Partin would be the new buyer of Mike Moon's property. Partin stated that if the decision tonight reduces the shop size, it would cause him not to purchase the property. Partin stated that he needs a big building to put his things in, and it would be nice to have this shop size for storage along with a place to do his wood working. Partin stated that he had someone from an inside source look at the garage, and it does not have any footings. Councilor Sands asked Partin if he has any concerns about the building permit not being issued; yes he has concerns but I am assuming that if I do follow through and purchase this property, that the building would be inspected before closing. Councilor Mussel asked if he would come after the City if the building is not up to code after the purchase of the property, knowing that no building permit was issued; Clerk Cordova stated that before the property is purchased, the building would need to be up to code.

7:19 PM – Regular Meeting

A regular meeting of the Payette City Council was called to order at 7:19 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, Ivan Mussell, Craig Jensen, Lee Nelson, Jeff Sands and Georgia Hanigan

Members Absent: None

Staff Present: Mary Cordova, City Coordinator; Mark Clark, Chief of Police; and Becky Lynch, Administrative Services Clerk.

PLEDGE

Jeff Sands led the pledge of allegiance.

CITIZENS COMMENTS

None

APPROVAL OF MINUTES

A motion was made by Heleker and seconded by Mussell to approve the regular meeting minutes of 11-05-2012 with one correction.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Nelson and seconded by Heleker to approve the City Bills & Payroll in the amount of \$268,537.97

At the roll call:

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

Nays:

The motion CARRIED.

SPECIAL ORDERS

None

COMMUNICATIONS

- A. Echelon Group- Meals on Wheels donation from City
- B. Teton Machine- Open House
- C. St. Alphonsus- Men's Health Screening

PLANNING & ZONING

None

OLD BUSINESS

- A. ROSE Advocates – HUD Home

Mayor Williams stated that our schedules have worked and Rose Advocates looked at the HUD home; the concern is not a huge problem, but they need to do some budgeting on the cost of utilities for the home. This concern will be brought back to the directors to talk about this issue further.

NEW BUSINESS

- A. Variance application- Mike Moon

Mayor Williams recused himself from discussion and Council President Lee Nelson led this portion of the meeting.

Councilor Heleker stated that he would like to have this denied based from the information presented tonight.

A motion was made by Heleker and seconded by Sands to deny the Variance application for Mike Moon.

At the roll call:

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

Nays:

The motion CARRIED

- B. Ordinance #1370 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 5.08.130, PREMISES; PRESENCE OF PERSONS PROHIBITED WHEN; NONAPPLICABILITY OF TITLE 5 OF THE PAYETTE MUNICIPAL CODE,; SETTING AN

EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A PENALTY; ESTABLISHING A REPEALER

A motion was made by Heleker and seconded by Jensen to introduce Ordinance #1370 by title only

After a unanimous voice vote by the Council the motion CARRIED

A motion was made by Mussell and seconded by Jensen to suspend the rules and pass Ordinance #1370 on its first reading.

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

A motion was made by Heleker and seconded by Mussell that Ordinance #1370 do pass.

At the roll call:

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

Nays:

The motion CARRIED

C. Resolution #2012-07 – Increasing & Adding Fees

A motion was made by Heleker and seconded by Hanigan to approve Resolution 2012-07.

At the roll call:

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

Nays:

The motion CARRIED

D. Pay Request #4 – WF Construction – Stoplight Hwy 95/52

A motion was made by Jensen and seconded by Mussell to approve pay request #4 to WF Construction in the amount of \$835.00 for the new stoplight at the intersection of Highway 95 and 52.

At the roll call:

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

Nays:

The motion CARRIED

E. Rod Masingill – Billing Policies

Masingill resides at 204 West Bolan Avenue Spokane, Washington 99224. Masingill stated that there were two reasons to be here tonight. Masingill stated that he has a father-in-law that is very elderly who has a terminal disease and has been looking after him. Masingill stated his father-in-law, Roy Cooley, has a rental here in Payette and unfortunately had a drug dealer in the rental. Masingill stated that he would like to thank the police department; when we called the police department they returned

our calls promptly, especially the police captain who was very receptive and another young police officer by the name of Richard Frazier. Masingill stated that he would like to say thank you for doing their jobs so well. Masingill stated that while this young lady was living there, we had almost a \$500 water bill; and that this bill is the responsibility of Roy Cooley. Masingill stated that he spoke to Rob Woyak, the water superintendent, that there was a lock put on the meter. Masingill stated that the City has agreed that they are responsible for the water that has gone through the meter after the lock was put on the meter. I have spoken to Mary as to why Mr. Cooley would be responsible for any water that had gone through the meter when the tenant is the one responsible for all the charges. Masingill stated that he would like to have an independent investigation done to find out why Mr. Cooley is responsible for the bill. Mayor Williams stated the City of Payette has an ordinance which states that whoever the account holder is of the property must pay for the charges incurred at the property. Councilor Jensen asked if the tenant had come into City Hall and signed up for service, or was it always in Roy Cooley's name. Masingill stated that the young lady who works at City Hall informed me that there was a document brought in by the tenant, signed by Roy Cooley, to add the tenant to the account and he would like to see this document. Mayor Williams stated that he will have two council members and himself look into this situation and find out the information regarding the paperwork for services rendered.

DEPARTMENTAL REPORTS

A. Fire Department – October 2012

B. Treasurer's Report – October 2012

C. Forestry Commission- November 6th

Councilor Hanigan was not present for this meeting

D. Airport Commission- November 13th

Councilor Jensen stated that there was a discussion of adding a replacement for Duane Youngberg to the airport commission. The taxiway has some pot holes and crumbled asphalt and the commission was hoping to have the street department repair some of those before the weather gets too bad. On November 15th they had the Division of Aeronautics visit our Airport- Mayor Williams briefed the council on attending this meeting.

E. Library Commission- November 13th

Councilor Sands stated that he went to the Library opening and they had a great turn out for that.

MAYOR'S COMMENTS

Mayor Williams stated that he had the pleasure of going to Boise and had lunch with Donna Jones; she is doing well but has a long way to go. The pool is still waiting for some parts, the parts are back ordered for the boiler so it looks like December 17th will be the new scheduled opening date. We didn't want to have the pool shut down due to cutting hours; we weren't anticipating this closure for such a long time. Mayor Williams stated that he was not able to make it to the Economic Vitality breakfast last week but he spoke to Mayor Bishop from Fruitland regarding what was discussed at the breakfast.

CITIZEN'S COMMENTS

Mark Moore—2035 3rd Avenue North—Payette, Idaho 83661

Moore stated that since the variance was denied, we would just ask to please be kept in the loop for the next steps to resolve the issue of the standing garage on Mike Moon's property.

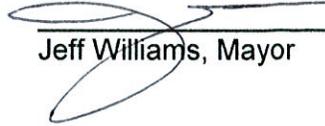
Mayor Williams asked if the Council were ever going to talk about having fees implemented for those not having building permits issued before the start of construction. Cordova informed the Council that the Planning and Zoning Commission stated that they felt it is not the time to add those fees at this time. The Council would like to have this fee discussed at the next work session.

ADJOURNMENT

A motion was made by Heleker and seconded by Nelson to adjourn the regular meeting at 8:05 PM.

The motion CARRIED.

Signed this 3rd day of December, 2012.



Jeff Williams, Mayor

ATTEST:


Mary Cordova, City Clerk

CITY OF PAYETTE
NOVEMBER 19, 2012

CITY PAYROLL - Admin	11/16/2012	ET	\$104,956.21
A COMPANY INC - Greenway	11/19/2012	7374	90.50
ACCO - Pool	11/19/2012	7375	247.50
AGOURIERS - Water	11/19/2012	7376	25.83
ALON'S - Police,Admin, Legis & WWTP	11/19/2012	7377	247.13
AMERICAN STAFFING - Park	11/19/2012	7378	910.40
ANALYTICAL LAB - Water & WWTP	11/19/2012	7379	948.00
ASSN. OF IDAHO CITIES - Admin	11/19/2012	7380	225.00
BDS - Water & WWTP	11/19/2012	7381	1,555.57
BRADY INDUSTRIES - Admin	11/19/2012	7382	218.99
BRUCE, JAMES - Police	11/19/2012	7383	250.00
BUDGET POOL & SPA TECH. - Pool	11/19/2012	7384	919.00
BWI - Library	11/19/2012	7385	10.77
C & M FENCE - WWTP	11/19/2012	7386	254.50
CENTER POINT LARGE PRINT - Library	11/19/2012	7387	27.71
CENTURYLINK - All Dept.	11/19/2012	7388	1,342.79
CITY CLEANERS - Police	11/19/2012	7389	251.04
CLAY PEAK LANDFILL - Park, Street & WWTP	11/19/2012	7390	209.51
CONSOLIDATED SUPPLY - Water	11/19/2012	7391	244.76
COUNTRY WOMAN - Library	11/19/2012	7392	24.98
DCS - Library	11/19/2012	7444	543.75
DIG LINE - Street, Water & WWTP	11/19/2012	7393	63.82
FLEET SERVICES - All Dept.	11/19/2012	7394	7,800.36
FRANK'S EXTINGUISHER SERVICE - All Dept.	11/19/2012	7395	1,515.57
GALL'S - Police & Fire	11/19/2012	7396	1,169.87
GARDEN VALLEY DISTRICT LIBRARY - Library	11/19/2012	7397	150.00
GDZ ARCHITECTURE - Library	11/19/2012	7398	2,787.36
IDAHO STATE DEPT. OF AGRICULTURE - Street	11/19/2012	7399	74.00
IDAHO STATESMAN - Library	11/19/2012	7400	243.88
INDEPENDENT ENTERPRISE - Admin	11/19/2012	7401	87.68
INTERMOUNTAIN COMMUNITY BANK - All Dept.	11/19/2012	7402	2,290.69
INTERMOUNTAIN GAS - All Dept.	11/19/2012	7403	2,931.81
ISPEED - Admin & Police	11/19/2012	7404	160.00
KINGS - Street	11/19/2012	7405	119.25
LARGE PRINT OVERSTOCK - Library	11/19/2012	7406	221.70
LINDSAY ECOWATER - Library	11/19/2012	7407	5.00
MICROMARKETING - Library	11/19/2012	7408	118.45
NAPA AUTO PARTS - All Dept.	11/19/2012	7409	1,416.66
N TREE - WWTP	11/19/2012	7410	1,200.00
O. TOOL - Park	11/19/2012	7411	379.85
OSBORN, BERT L. - Admin	11/19/2012	7412	2,700.00
PAETEC - All Dept.	11/19/2012	7413	25.20
PALMER BACKFLOW - WWTP	11/19/2012	7414	155.00
PAPERCLIPS A MORE - All Dept.	11/19/2012	7415	1,286.60
PAYETTE COLLISION CENTER - Street	11/19/2012	7416	1,702.76
PAYETTE COUNTY TAX COLLECTOR - All Dept.	11/19/2012	7417	824.56
PAYETTE PRINTING - Fire	11/19/2012	7418	57.60
PAYETTE SENIOR CITIZENS - Legis	11/06/12	7371	100.00
PAYETTE TIRE CENTER - Police	11/19/2012	7419	819.91
PETTY CASH - Library	11/19/2012	7420	173.59
PIPECO - Park	11/19/2012	7421	745.15
R.T'S - Street	11/19/2012	7422	15.00
RELIANT BEHAVIORAL HEALTH - All Dept.	11/19/2012	7423	283.25
REPCO MARKETING - Police	11/19/2012	7424	25.50
RESPOND FIRST AID - Street	11/19/2012	7425	132.92
RHINEHART, LARRY & KATHY - Admin & Library	11/19/2012	7426	1,450.00
RIVERSIDE INC - Water	11/19/2012	7427	1,220.00
SAV-ON BLDG - Water,WWTP, Police,Street & Admin	11/19/2012	7428	456.94
SIRCHIE FINGER PRINT LAB - Police	11/19/2012	7429	72.19
SNAKE RIVER VETERINARY CENTER - Police	11/19/2012	7430	183.00
SOUTHWEST HEALTH DISTRICT - Pool	11/19/2012	7431	150.00
STAPLES - Admin & Park	11/19/2012	7432	100.74
SYME ELECTRIC - Water & WWTP	11/19/2012	7433	483.40
T.A. WELDING - WWTP	11/19/2012	7434	55.44
TASTE OF THE SOUTH - Library	11/19/2012	7435	15.98
TETON COMMUNICATIONS - Water	11/19/2012	7436	620.00
TOOMBS JANITORIAL - Fire & Library	11/19/2012	7437	259.66
UPS - Police	11/19/2012	7438	36.35
VERIZON - All Dept.	11/19/2012	7439	684.84
WARRINGTON CONSTRUCTION - WWTP	11/19/2012	7440	2,578.00
WATER RECOVERY SERVICES - Water	11/19/2012	7441	28,440.00
WF CONSTRUCTION - Street	11/06/12	7372	85,559.00
WF CONSTRUCTION - Street	11/19/2012	7442	835.00
WLOUD COMMUNICATIONS - Police	11/19/2012	7443	50.50

TOTAL \$268,537.97