

**MINUTES
PAYETTE CITY COUNCIL
Regular Meeting
November 7, 2011**

6:30 PM – Work Session

A. Design Review Guidelines

Mayor Williams opened up this general discussion asking if the Council would want to put parameters on what people want to do with their property, or do we want to focus on only historical buildings? The Planning and Zoning Commission sent this back to the Council for clarification. The consensus of the Mayor and City Council was to have design review guideline examples from other cities to present at the next meeting.

B. Informational Points

None heard

The Work Session ended at 6:47 PM.

6:47 PM – Public Hearing Continuation – Mobile Home Park Licenses Fees

Bert Osborn re-opened the Public Hearing for discussion.

Mary Cordova, Payette City Clerk, addressed to the Council that the license fees are a great idea. Tonight she would like to back track and recommend the proposed ordinance die because she believes that they need to re-evaluate the fee structure so it does not penalize the parks which are already in compliance. Mayor Williams stated that it is ten dollars per space to analyze whether they are in compliance, then ten dollars therein after as a review type of fee. Clerk Cordova stated that we would like to have time to re-evaluate our recommendation, the ten dollars which is proposed in the ordinance is not a fair amount at this time, the fee for those in compliance is proposed to be less than those who are out of compliance. Councilor Heleker stated there will be a fee for those in compliance and a fee for those who are not in compliance; we need to cover our costs, are we going to have a higher fee for those who are out compliance to cover costs? If that is the case, once they are in compliance we are no longer making the money to cover costs for the ones out of compliance in the future. Clerk Cordova stated that is why she feels we need to re-evaluate the fees to assess higher fees to cover higher costs for those who are out of compliance. Councilor Heleker stated that our goal is to move everyone in compliance. Clerk Cordova stated that she would like to bring back to the City Council a re-evaluated fee for the mobile home park license.

Sophia Aguilar, 1322 7th Avenue North, Payette, Idaho

Sophia Aguilar asked the Mayor and City Council if the fees will be the property owner's or the tenants responsibility for paying. Mayor Williams stated that the fees would go to the property owner and the owner could choose to hand those fees over to the tenants. Sophia Aguilar then stated that the reason she is asking is because she knows a lot of people who live in that area, and she wanted to know how it will affect them.

The public hearing ended at 6:53 PM.

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, Lee Nelson, Mark Heleker, & Ivan Mussell.

Members Absent: None

Staff Present: Mary Cordova, City Coordinator; Bert Osborn, City Attorney, Mark Clark, Chief of Police; Dave Platt, Police Captain; Doug Argo, City Engineer; Randy Schwartz, WWTP Supervisor; Steve Castenada, Interim Fire Chief; Lois Silva, Ordinance Officer; Becky Lynch, Administrative Services Clerk

PLEDGE

Lois Silva led the pledge of allegiance.

A motion was made by Mussell and seconded by Heleker to amend the agenda to add change order #1 for the Iowa Project.

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

CITIZENS COMMENTS

Wayne Adams, 1105 Center Avenue, Payette, Idaho; resident of Payette since 1965
Wayne Adams stated, my comments are regarding snow removal down near the High School as well as by Burger King, Arctic Circle and those places. In early 2010 we had the economic recovery act to add new sidewalks through there. That was designed with the intent in mind for the school kids to walk to school on. We had a big snow in December of 2010. The State boys push it all on the sidewalk, no body removes the snow. The residents of the people who live there, there were maybe one or two residents who would remove the snow and the rest of the residents would let it stay. I know the property is within the City limits and if the City can't take care of it, they can force the owner to take care of it. I came in and spoke to the assistant chief regarding this matter, and he said he would look into it and would take care of it, but nothing happened. He noticed this was before they started the fire department building and knows that it was the street department who were down there shoveling snow off of that sidewalk and he asked one of the City employees, who moved that snow? The employee said he didn't know. Then the next snowfall came and he parked the car and he walked up to the employee removing snow from the sidewalk and asked him, "You know who moved that snow, you deliberately lied to me; How come here and not by the school?" The City employee replied that the City wants me to do it here. What transpired that got me irritated on all of this is that the school kids like to wear the hoodies. One morning it was raining through that area and the kids couldn't walk on the sidewalk. He had eye surgery in September and his eyes were good, new glasses new exam, everything but couldn't see anything until the car lights ahead of me were blacked out. He started slowing down, and he noticed it was two kids. One kid dropped his books in the street and he had to run back and grab the books in the street and it was really noticeable to me that there is a definite hazard. He then wanted to regress one year before that in Middleton Idaho, a kid ran across the street in the morning and was killed by a motorist. In less than two weeks' time, the City of Middleton had a stop sign out there. This doesn't mean that the kids are going to use it but the City did make an attempt to correct a dangerous situation. What I am saying to you when talking in front of the Council like this is sometimes it's hard to move, sometimes wonder if you are getting their attention. Telling you now that if a kid gets hit out there because there is snow on the sidewalks he will look up the person who hit him and his attorney and be a witness on their behalf and tell them that he went in on November 7th, 2011 and talked to the City Council about this problem, and prior to that talked to the assistant police chief about it too. It's up to you, you can enforce your regulations about property owners

to clean off the sidewalks or you can go out and clean it. If nothing gets clean and an accident happens out there he will be the first one to volunteer for a witness.

APPROVAL OF MINUTES

A motion was made by Heleker and seconded by Dodson to approve the regular meeting minutes of 10-17-2011 & work session meeting minutes of 10-24-2011
After a unanimous voice vote by the Council, the motion CARRIED.

APPROVAL OF BILLS & PAYROLL

A motion was made by Hanigan and seconded by Mussell to approve the City Bills & Payroll in the amount of \$417,615.70.

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker, Nelson, and Mussell,

Nays:

The motion CARRIED.

COMMUNICATIONS

- A. 2011 AIC Academy for New Elected and Veteran City Officials
- B. General Aviation News- Airport Article
- C. Thank You Card to Fire Department from Senior Citizens

PLANNING & ZONING

- A. Meeting Minutes- September 22, 2011

OLD BUSINESS

None

NEW BUSINESS

A. Petition to Declare Property a Nuisance- 295 South 14th Street

Attorney Bert Osborn opened this discussion stating back many years ago when Les Cochran was Chief of Police at the time, there were criminal charges against this fellow. It was determined at that time that this property was a hazard and we had worked with him and worked with him and tried to get an agreement that the owner would fix the property up and based upon that the case went away. Lois Silva, Ordinance Officer has brought the same property to his attention that the property is worse than it was 5 years ago. The siding is gone, people can get into it, it is a hazard, an eye-sore and something needs to be done. Lois put together some pictures and based upon her affidavit, He would ask for the City Council to declare the property a nuisance and to proceed with a court order. Councilor Mussel asked Mr. Osborn if this property is vacant right now, and Mr. Osborn replied yes, it is vacant. Councilor Hanigan asked Mr. Osborn if the property owners have been notified and Mr. Osborn replied yes, they were given notice and had the right to be here for this meeting and could object. Mayor Williams stated that Clerk Cordova

before the meeting signed a certified letter being delivered to the owner of his property regarding this said meeting. Councilor Nelson asked Mr. Osborn what the procedure is if we follow through with this decision to declare the property a nuisance. Mr. Osborn replied that if the council decides it is a nuisance then the next Monday morning we will file complaint to have the report to be declared a nuisance to allow to have it torn down and attach all fees in doing so which would include but not limited to court costs and attorney's fees. Chief Clark stated before the Council that we had went to court on the property owner back in 2008 over a civil type of compromise and he agreed to do some fixing up of the property. The property owner never did do anything to fix his property. Chief Clark thinks that he might have changed a couple of windows, but no progress on the property since 2008. He is well aware of the progress and we have been through all of the steps with him, so he knows where we are at on it. Councilor Mussel asked Mr. Osborn if the property owner knows that the City has the right to tear down if this decision goes forward to declare the property a nuisance. Mr. Osborn replied yes, he knows of all of that and has been given notice, if the City gets a court order he will be responsible for all costs incurred. Councilor Heleker asked Mr. Osborn if the property owner will know at that time that he has the opportunity to take care of things on his own if he can find a cost effective way, or do we just go forward? Do we set a time limit? Mr. Osborn replied if we choose to allow that then yes, but he is still responsible for all costs incurred up until that time, we are saying the owner gets ten days, not another three years.

A motion was made by Heleker and seconded by Cochran to declare the property located at 295 South 14th Street, a nuisance.

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker, Nelson, and Mussel

Nays:

The motion CARRIED.

- B. ORDINANCE #1350- AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION(S) 5.28.023 & 5.28.033 IN CHAPTER 5.28 OF TITLE 5, TO ALLOW CHARGING A \$10.00 PER SPACE FEE FOR MOBILE PARK APPLICATIONS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER- 1st Reading**

Not Introduced

- C. ORDINANCE #1354- AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, REPEALING SECTION 13.04.120 IN CHAPTER 13.04 OF TITLE 13; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER- 1st Reading**

A motion was made by Mussell and seconded by Heleker to introduce #1354 by title only.

Mayor Williams stated that this portion of the Ordinance has been in the books for a long time of which has not been enforced.

A motion was made by Mussell and seconded by Dodson to suspend the rules and pass ordinance #1354 on its first reading.

Councilor Heleker stated is this mainly because we have been ineffective of charging the \$5.00, Mayor Williams stated that this has not even been charged to begin with, so there is no need to have it in our ordinance any longer.

A motion was made by Mussell and seconded by Cochran that Ordinance #1354 do pass.

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

D. Hendon Agreement- Storm Drainage Easement

Mayor Williams opened this discussion stating that they want to put in another building which requires a building permit, curb, gutter, and sidewalk as well as storm drainage. The City also wants to put the curb gutter and sidewalk in front of the City shop. This storm drain would serve both properties, so to put the storm drain in at Hendon Welding, the City needs an easement to put that in there. Doug Argo stated that this would not serve the section of street in front of the City shop; there is an existing catch basin at the location of 2nd Avenue North in front of Hendon Welding. The catch basin right now it is connected to sanitary sewer, which it should not be, and the manner it is connected is not good so the City would patch the pipe. Hendon is putting in curb, gutter, and sidewalk as part of their building permit. We don't have room to get the drainage in; the City wants to install the drainage to get it out of the sanitary sewer. Hendon has volunteered to have them go into their property which would help the City put in their curb gutter and sidewalk. The easement is for the construction and maintenance of the drainage system into the parking area, and Hendon Welding would have their separate drain for the run off of their site. Clerk Cordova stated there was some re-surveying done of that property and the property didn't slope right; however this is a joint collaboration which will help the City eliminate the storm water from going into our sewage system and we are happy to help a local business expand.

A motion was made by Heleker and seconded by Hanigan to approve the storm drainage agreement with HHH Investments LLC

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

E. Change Order #1 #2, #3, #4, & #5- Iowa Avenue Project

Councilor Mussel asked if there was a decrease on number one of \$4500.00? Mayor Williams stated that the change orders couldn't occur unless they were working onsite. Councilor Mussell

asked if this is a part of our grant or is it out of pocket. Clerk Cordova stated yes, it is out our grant. These are little change orders so far in the project.

A motion was made by Mussell and seconded by Dodson to approve change orders #1, #2, #3, #4, & #5 for the Iowa Avenue Project.

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker, Nelson, and Mussell

Nayes:

The motion CARRIED

F. Pay Request #1- Rose Advocates- Scott Hedrick Construction- \$35,672.00

A motion was made by Heleker and seconded by Mussell to approve the pay request #1 to Scott Hedrick Construction for the Rose Advocates building in the amount of \$35,672.00

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker, Nelson, and Mussell

Nays:

The motion CARRIED.

G. Resolution 2011-05- Non-discrimination Policy and Resolution 2011-07- Prohibiting Excessive Force

Councilor Cochran stated that he noticed a lot of similarities in this that we already have in place in our policy handbooks.

A motion was made by Cochran and seconded by Heleker to pass Resolution 2011-05 & Resolution 2011-07 for the Non-Discrimination Policy and Prohibiting Excessive Force.

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

H. 504 Transition Plan Approval

A motion was made by Hanigan and seconded by Mussell to approve the 504 Transition Plan for the City of Payette.

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

I. Pay request #14- Payette Fire Station- \$59,945.83

A motion was made by Hanigan and seconded by Dodson to approve pay request #14 for Kepha Construction on the Payette Fire Station in the amount of \$59,945.83.

Councilor Mussell asked of the date on moving in to the new Fire Station, Mayor Williams stated in response that the date for moving in could be discussed in the departmental reports towards the end of the regular meeting.

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker, Nelson, and Mussell

Nays:

The motion CARRIED

J. Pay Request #8- Payette Library- \$159,428.19

A motion was made by Hanigan and seconded by Heleker to approve pay request #8 for the Payette Library in the amount of \$159,428.19

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker, Nelson, and Mussell

Nays:

The motion CARRIED

K. Donation Request- St. Alphonsus Medical Center- 40, 1 day passes swimming pool

A motion was made by Mussell and seconded by Nelson to approve the donation request for St. Alphonsus Medical Center with 40; 1 day passes to the Payette swimming pool.

After a unanimous voice vote from the Council the motion CARRIED.

DEPARTMENTAL REPORTS

A. Police Department- October 2011

B. Fire Department- October 2011

Steve Castenada stated that they had a meeting with the architect, building inspector, and Kepha Construction. They are going to be getting a hold of Clerk Cordova to get the certificate of

occupancy by November 8, 2011. There are a few things they still have to do but this should not affect obtaining the certificate of occupancy. Clerk Cordova stated there is one technical issue and they should be moving in next week. She also stated that on December 2nd will be the ribbon cutting and grand opening which is also the same night for the Fire Department's annual chili feed and open house.

Clerk Cordova stated that Ray Wickersham has decided to take over maintenance of cross. The light bulb cost is \$7.90 per bulb and there are 23 lights which is not including the power to run it. Anticipating to have the cross turned back on for Sunday November 20th. US Bank is still the place for people to help with donations to light the cross, for it will be a community effort to see the cross lit.

Clerk Cordova stated that on November 2nd, 2011 Seneca had a huge gathering of higher end officials from across the nation at their facility located here in Payette. Clerk Cordova passed out goody bags to the Council which included mugs that the City gave to Seneca. Upper management had about 90 people there who were higher end officials. Mayor Williams was informed that Seneca was ecstatic about the gift. Clerk Cordova explained that the City and Seneca split the costs for the mugs. Chris Mays wanted to pass along that we are great support for him and the corporation are very pleased with the work relationship they have with the City of Payette.

MAYOR'S COMMENTS

Mayor Williams stated that it was brought to his attention that Councilor Ivan Mussell is now the manager of Ridley's in Middleton, Idaho and Congratulations.

Mayor Williams has a concern as well for the crosswalk lights on Highway 95. Mayor Williams finds it great that the kids are here, but he has seen kids go across the sidewalk by the high school and not push the crosswalk button for the warning lights to turn on. Not using the lights is very dangerous, how do we educate the kids so that we don't go across there without pushing the button.

Councilor Heleker stated that he talks about pushing the crosswalk button consistently at assemblies to the kids to remind the students that they need to push that button because the cars will win the battle every time. Councilor Mussell stated he has witnessed times when kids do push the light, and cars don't stop. Students are reminded to stop before walking across the street.

Mayor Williams stated tomorrow is Election Day so be sure to get out and vote.

Mayor Williams announced that some of the people attending the meeting have asked what the cake placed on the table is for, and would like to take the opportunity to recognize the great work of our department heads and our staff; they tie into these goodies here. Our City Clerk has created a great team of people both department heads and staff in the office. If she didn't have that team, she could not be as efficient as she is. As most of you know the property located south of the Coldwell Banker office is for sale. The person interested in purchasing the property has talked to him three or four times of City questions. The biggest challenge of the property is access from south bound 95 into that property. Mary went to an ITD hearing in Boise where she pleaded the economic development case for the City of Payette. ITD did grant an approval for a right turn only into that property. She can't do this alone; it's the quality department heads and the quality people in the front office. Last Friday night, the Payette County Board of Realtors had their annual banquet and dessert auction which Mayor Williams attended. Desserts are sold and bought by realtors for scholarships for high school seniors. The potential buyer for Smitty's (O.H. Smith) property purchased that cake for \$100.

The buyer then asked for the microphone from the auctioneer and told everyone in attendance that he was donating this to the City of Payette as a token of his appreciation for the extra mile the City went on his behalf. That may not seem like a big deal to you, but with a room full of lenders, title company personnel, the Argus observer and realtors throughout the area who have, in the past, thought the City of Payette is a little tough to deal with, can go a long ways towards future growth in Payette. For everyone here, this cake is to show the appreciation of the staff and department heads for all the hard work they do for the citizens and businesses in the City of Payette.

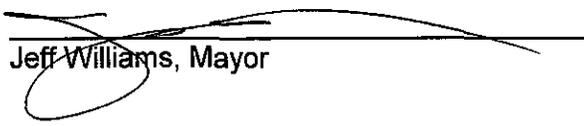
CITIZEN'S COMMENTS

ADJOURNMENT

A motion was made by Heleker and seconded by Mussell to adjourn the regular meeting at 7:45 PM.

The motion CARRIED.

Signed this 21st day of November, 2011.



Jeff Williams, Mayor

ATTEST:



Mary Cordova, City Clerk

CITY OF PAYETTE
NOVEMBER 7, 2011

City Payroll	11/4/2011	ET	95,334.67
445 A COMPANY INC, PORTABLE RESTROOMS	11/03/11	5607	79.34
43 ACTION COURIERS, INC.	11/03/11	5608	25.20
60 ADVANCED CONTROL SYSTEMS	11/03/11	5609	269.00
663 AMERICAN COUNCIL ON CRIMINAL JUSTICE TRA	11/03/11	5610	95.00
140 ARGUS OBSERVER	11/03/11	5611	407.48
6107 BDS	11/03/11	5612	1,627.87
280 BIG SKY SPORTSWEAR	11/03/11	5613	754.65
6046 BLACK, BARBARA JEAN	11/03/11	5614	100.38
410 CAMPO OIL	11/03/11	5615	547.05
6132 CBASS	11/03/11	5616	125.00
450 CESCO	11/03/11	5617	981.80
128 CINTAS FIRST AID	11/03/11	5618	243.52
490 CITY CLEANERS	11/03/11	5619	279.01
544 CLAY PEAK LANDFILL	11/03/11	5620	698.48
550 CONSOLIDATED SUPPLY	11/03/11	5621	1,607.74
650 D&B SUPPLY	11/03/11	5622	68.57
685 DART'S TRUE VALUE	11/03/11	5623	1,387.89
273 DAVISON, COPPLE, COPPLE & COX	11/03/11	5624	980.00
6130 DCS TECHNOLOGIES	11/03/11	5625	75.00
740 DEPT. OF ENVIRONMENTAL QUALITY, MSC 1410	11/03/11	5626	9,400.00
750 DIG LINE, INC.	11/03/11	5627	58.40
771 DRAPER'S OUTDOOR POWER EQUIP.	11/03/11	5628	11.70
443 ENVIRONMENTAL EXPRESS	11/03/11	5629	191.84
859 FEDEX	11/03/11	5630	64.11
885 FISHER SCIENTIFIC	11/03/11	5631	339.16
73 FOLKE CPA'S	11/03/11	5632	4,550.00
299 FRANK'S EXTINGUISHER SERVICE	11/03/11	5633	1,192.83
890 FRUITLAND ELECTRIC	11/03/11	5634	14.76
920 GALL'S INC.	11/03/11	5635	46.34
985 GJZ ARCHITECTURE	11/03/11	5636	350.00
1000 GRANT'S PETROLEUM	11/03/11	5637	686.50
1090 HARDIN SANITATION, INC.	11/03/11	5638	585.21
328 HUGHES FIRE EQUIPMENT	11/03/11	5639	164.80
437 IDAHO CONCRETE COMPANY	11/03/11	5640	2,625.00
1370 IDAHO POWER, PROCESSING CENTER	11/03/11	5641	18,297.53
667 IDAHO STATE DEPT. OF AGRICULTURE	11/03/11	5642	39.00
1410 INDEPENDENT ENTERPRISE	11/03/11	5643	45.20

CITY OF PAYETTE
 NOVEMBER 7, 2011

1431	INTERNATIONAL INSTITUTE OF, MUNICIPAL CL	11/03/11	5644	75.00
1444	ISPEED	11/03/11	5645	160.00
1510	KAMAN INDUSTRIAL TECHNOLOGIES	11/03/11	5646	448.31
535	KEPHA CONSTRUCTION	11/03/11	5647	159,428.19
		11/04/11	5676	59,945.83
1695	MARC CORPORATION	11/03/11	5648	296.19
562	MATERIALS TESTING	11/03/11	5649	532.00
1750	MCCREA HEATING AND PLUMBING	11/03/11	5650	93.98
276	MOORE SMITH BUXTON & TURCKE	11/03/11	5651	14.55
2110	NAPA AUTO PARTS	11/03/11	5652	1,982.46
127	ONTARIO FLOORS TO GO	11/03/11	5653	320.00
1415	OREGON CORRECTIONS ENTERPRISES	11/03/11	5654	220.00
2071	OXARC	11/03/11	5655	2,493.56
1760	PAETEC	11/03/11	5656	17.50
172	PAPERLCIPS A MORE	11/03/11	5657	1,530.88
2190	PAYETTE PRINTING	11/03/11	5658	230.15
2310	PITNEY BOWES	11/03/11	5659	126.48
668	PROTEX LLC	11/03/11	5660	369.00
6117	PUBLIC SAFETY CENTER, INC.	11/03/11	5661	49.98
2396	RHINEHART, LARRY & KATHY	11/03/11	5662	1,300.00
2400	ROBERTSON SUPPLY	11/03/11	5663	57.07
2430	SAV-ON BLDG	11/03/11	5664	504.38
666	SCOTT HEDRICK CONSTRUCTION	11/04/11	5678	35,672.00
538	SOUTH WEST WEED CONTROL ASSOCIATION	11/03/11	5665	25.00
2476	SOUTHWEST HEALTH DISTRICT	11/03/11	5666	91.00
2540	STAPLES CREDIT PLAN	11/03/11	5667	186.51
1284	STATE OF IDAHO	11/03/11	5668	35.00
2670	T.A. WELDING	11/03/11	5669	30.00
664	TOSHIBA FINANCIAL SVC	11/03/11	5670	527.50
2842	UNITED PARCEL SERVICE	11/03/11	5671	16.20
2860	VALLEY PAVING AND ASPHALT, INC	11/03/11	5672	3,500.00
2935	WARRINGTON CONSTRUCTION	11/03/11	5673	1,184.00
1826	WHITE CLOUD COMMUNCATIONS	11/03/11	5674	290.00
624	WMS AQUATICS	11/03/11	5675	113.92
	Xerox	11/03/11		1,399.03 11-12
				417,615.70