



**AGENDA  
PAYETTE CITY COUNCIL  
November 1, 2010  
REGULAR MEETING**



**HONORABLE MAYOR JEFFREY T. WILLIAMS PRESIDING**

**GEORGIA HANIGAN      MARK HELEKER  
LEE NELSON            IVAN MUSSELL  
KATHY DODSON        LES COCHRAN**

**7:00 PM – Regular Meeting**

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5.04.080; 5.04.090; 5.08.030 IN CHAPTER 5.04 & 5.08 OF TITLE 5, BEER AND  
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XI.	DEPARTMENTAL REPORTS	
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XIII.	CITIZEN’S COMMENTS <i>(Limited to 5 minutes per person, at the discretion of the Mayor)</i>	
XIV.	EXECUTIVE SESSION – <i>Pursuant to Idaho Code 67-2345(1)(f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and the legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.</i>	
XIV.	ADJOURNMENT	

***The public is invited and encouraged to attend. Special accommodations will be made in order to participate in the above noticed meeting by contacting the City 5 days prior to the meeting at 642-6024***

**PAYETTE CITY COUNCIL  
REGULAR MEETING  
October 18, 2010**

**6:30 – Public Hearing**

NOTICE IS HEREBY GIVEN, in accordance with Idaho Code 63-1311A, by the City of Payette, Idaho, that the Payette City Council will meet at 6:30 PM on October 18, 2010, at Payette City Council Chambers, 700 Center Avenue, Payette, Idaho, to consider public comment regarding the institution of new or increased fees pertaining to itinerant merchant application fees, beer and wine licensing fees, and municipal pool rates. Information about the proposed rates and changes may be obtained from the office of the City Clerk at City Hall during regular business hours.

**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, Mark Heleker, Lee Nelson, Les Cochran

Members Absent: Ivan Mussell

Staff Present: Mary Cordova, City Coordinator/Clerk; Dave Platt, Police Captain; Tiffany Howell, Utility Clerk; Mark Clark, Police Chief; Randy Schwartz, Wastewater Supervisor; Doug Argo, City Engineer

**PLEDGE**

Mayor Williams led the Pledge of Allegiance.

**CITIZENS COMMENTS**

None were heard.

**APPROVAL OF MINUTES**

A motion was made Mussell and seconded by Dodson to approve the regular meeting minutes of 10/04/2010 as written.

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

**APPROVAL OF BILLS & PAYROLL**

A motion was made by Hanigan and seconded by Dodson to approve the City Bills & Payroll in the amount of \$188,626.48.

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker, Mussell

Nays:

The motion CARRIED.

**SPECIAL ORDERS**

None Heard.

**COMMUNICATIONS**

None Heard.

**PLANNING & ZONING**

None Heard

**OLD BUSINESS**

None.

**NEW BUSINESS**

**A. Payette Sports Boosters – Lynda Pollock**

Captain Platt stated that he went to a meeting with the Chief regarding a neighborhood watch program. He stated that there was one family that showed up from the Payette area. Mr. Platt also stated that he will be starting the first neighborhood watch program in the Vistair Subdivision, and that he is very excited to see this program start up again in Payette. He stated that these types of programs are good to have in your neighborhood because you know who belongs in your neighborhood and you know who is out of place and that is when you need to call us.

**B. Historical Committee – Vision for City of Payette 2050 -**

A motion was made Heleker and seconded by Cochran to approve resolution 2010-11 as written.

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

**C. Extension of Hangar Lease – Robert Griffiths – South Hangar -**

Mr. Argo stated that regarding change order #1 we had to do a scrub coat first in order to asphalt the road. Mr. Argo stated that change order #2 was a result of water line replacement on Center Avenue. Mr. Argo stated that there were more cracks than estimated and therefore we needed to add additional crack sealing, resulting in change order #3.

A motion was made by Hanigan and seconded by Mussell to approve change order #1, #2, and #3 in the amount of \$32,732.90.

At the roll call:

Ayes: Hanigan, Dodson, Cochran, Heleker, Mussell

Nays:

The motion CARRIED.

**D. Approval of Contract with MTI for Inspection Services at New Fire Station**

Mayor and Council asked if the Historical Committee could send information as to how they came up with this vision and present it at the next work session.

**DEPARTMENT REPORTS**

- A. Payette Police Department – September Statistics
- B. Treasurer’s Office – Worker’s Comp Premiums

**MAYORS COMMENTS**

- 1. Thank you to everyone who attended the Fire Department ground breaking
- 2. The banners are in, and will be put up shortly

**CITIZENS COMMENTS**

None Heard.

**ADJOURNMENT**

A motion was made by Heleker and seconded by Mussellto adjourn the meeting at 7:33 PM.

The motion CARRIED.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Jeff Williams, Mayor

ATTEST:

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

**PAYETTE CITY COUNCIL  
SPECIAL MEETING  
October 25, 2010**

**5:15 PM – Special Meeting**

A special meeting of the Payette City Council was called to order at 5:15 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, Mark Heleker, Lee Nelson, Les Cochran and Ivan Mussell

**Staff Present:** Mary Cordova, City Coordinator/Clerk and Bobbie Black, Deputy City Clerk

**NEW BUSINESS**

**1. NEW BUSINESS**

**A. Approval of Pay Request**

~ KEPHA Construction: Mary Cordova addressed the Council. She stated this pay request was submitted by the Contractor for indirect costs for the new fire station. It has been approved by the architect and the Feds. The Feds deposited the money into the City's account on October 12, 2010. Councilor Mussell made a motion to approve the pay request for KEPHA Construction in the amount of \$38,000.00. The motion was seconded by Councilor Nelson and passed by unanimous voice approval.

**B. Ordinance 1321 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 5.16.050 IN CHAPTER 5.16 OF TITLE 5, BUSINESS LICENSES AND REGULATIONS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.**

~First Reading

Councilor Heleker made a motion to read Ordinance #1321 by title only. The motion was seconded by Councilor Mussell and passed by unanimous voice approval. Council Heleker made a motion to suspend the rules and pass Ordinance #1321 on its first reading. The motion was seconded by Councilor and passed by unanimous voice vote. Councilor Mussell made a motion that Ordinance #1321 do pass with typo corrections noted. Councilor Hanigan seconded the motion and passed by unanimous voice vote.

**C. Ordinance 1324 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION(S) 5.04.010; 5.04.020; 5.04.050; 5.04.060; 5.04.070; 5.04.080; 5.04.090; 5.08.030 IN CHAPTER 5.04 & 5.08 OF TITLE 5, BEER AND LIQUOR; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.**

~ First Reading

Councilor Heleker made a motion to read Ordinance #1324 by title only. The motion was seconded by Councilor Hanigan and passed by unanimous voice vote. Discussion followed about the state statute on liquor license and charges. Councilor Dodson asked if golf courses get charged differently. Mary Cordova stated that there are some exceptions for fees that City's charge and we won't charge more that state code allows. The Mayor asked if the ordinance has anything to do with golf courses and if it did then Councilor Dodson might need to abstain. Councilor Dodson declared a conflict of interest. Discussed that state code referring to liquor license and not beer and wine license and would that affect our golf course. Councilor Hanigan

made a motion to move Ordinance #1324 to second reading. The motion was seconded by Councilor Cochran and passed by unanimous voice vote. The Council discussed that need to research excluding or setting golf courses as part of the ordinance. The City needs to be in line with State code.

**ADJOURNMENT**

A motion was made by Heleker and seconded by Dodson to adjourn the meeting at 5:47 PM.

The motion CARRIED.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Jeff Williams, Mayor

ATTEST:

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

**BILLS & PAYROLL PRESENTED TO CITY COUNCIL**

**November 1, 2010**

ET	Payroll - All Dept.	108,479.85
4005	Amerititle - Street	33,043.00
4004	Hardin Sanitation - Admin	30,696.59
4007	Kepha Construction - Fire	38,000.00
4009	ROW Iowa Avenue - Street	4,367.41
4006	Payette School Dist. - Street	5,532.00
4008	ROW Iowa Avenue - Street	23,024.17
	A 1 Key & Lock - Admin	125.00
	Advanced Control System - WWTP	269.00
	Argus Observer - Police	124.00
	Cesco - Street	516.96
	D & B - Street	224.98
	Darts - All Dept.	1,087.89
	DCS - Admin, Police & WWTP	518.75
	Drapers Outdoor - Street	26.10
	Fisher Scientific - WWTP	251.30
	Folke, CPA - Admin	4,550.00
	HACH - WWTP	3,925.49
	Hanigans - Fire	121.32
	Hardins Sanitation - All Dept.	596.71
	Holladay Eng. - All Dept.	15,653.50
	Idaho Asphalt - Street	480.60
	Idaho Power - Street	3,313.95
	Imagetek - Admin	500.00
	Independent Enterprise - Admin	89.88
	Norco - Shop	159.00
	Ontario Tool - Street	889.60
	Payette County Drivers License - Police	50.00
	Payette Tire - Fire	609.92
	Pipeco - Park	15.94
	Right of Way Negotiators - Street	4,500.00
	Safety Kleen - Shop	114.01
	Southwest Idaho Weed Control - Street	25.00
	Sterling Codifiers - Admin	725.00
	United Heritage - Admin	191.10
	UPS - Police	12.85
	Versatile Information Products - Police	620.00
	Wienhoff Drug - Library	40.00
	Xerox - Admin	682.92
	Zee - WWTP	58.49
	<b>TOTAL ALL DEPARTMENTS</b>	<b>284,212.28</b>

Select Society of

**SANITARY SLUDGE SHOVELERS**

Pacific Northwest Clean Water Association



**For outstanding, meritorious services above and beyond the call of duty**

The Honorable

**RANDY SCHWARTZ**

is this day elevated on the official shovel to the highest ridge on the sludge bed, with the title of Select Sanitary Sludge Shoveler with all the honor, atmosphere, perquisites, and dignity appertaining thereunto.

In witness whereof, we have set our hands, this 26<sup>th</sup> day of October, 2010.

*John Pappas* \_\_\_\_\_ pH 7

*[Signature]* \_\_\_\_\_ pH 6

pH 13

*[Signature]* \_\_\_\_\_ pH 12

pH 12

*[Signature]* \_\_\_\_\_ pH 11

pH 11

*[Signature]* \_\_\_\_\_ pH 10

pH 10

*[Signature]* \_\_\_\_\_ pH 9

pH 9

*[Signature]* \_\_\_\_\_ pH 8

pH 8

*[Signature]* \_\_\_\_\_ pH 7

*[Signature]* \_\_\_\_\_ pH 6

pH 6

*[Signature]* \_\_\_\_\_ pH 5

pH 5

*[Signature]* \_\_\_\_\_ pH 4

pH 4

*[Signature]* \_\_\_\_\_ pH 3

pH 3

*[Signature]* \_\_\_\_\_ pH 2

pH 2

*[Signature]* \_\_\_\_\_ pH 1

pH 1

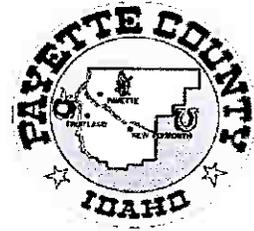
PAYETTE COUNTY  
PLANNING AND ZONING

PAYETTE COUNTY COURTHOUSE  
1130 3<sup>rd</sup> Ave N. Room #107  
PAYETTE, IDAHO 83661  
PHONE (208) 642-6018

RECEIVED

OCT 21 2010

CITY OF PAYETTE



October 19, 2010

Dear Sir or Madam,

The County has completed its Technical Review process for the Rezone (Agriculture to Industrial-2), Conceptual Plan, Development Agreement & Variance by Alternate Energy Holdings Inc. for properties located off of Big Willow Rd. and Stone Quarry Rd., Payette, ID and owned by JG Schwarz. Thank you to all who participated in the Technical Review meetings.

The County will now begin to review the Development Agreement submitted by the Applicant and draft additional conditions. Please send any recommendations to the Planning and Zoning office. The County appreciates all input as the Development Agreement is the best way to insure all concerns are addressed.

If you have any questions, please contact our office at (208)642-6018.

Sincerely,

A handwritten signature in cursive script that reads "Lindsey Royston".

Lindsey Royston  
Administrative Assistant  
Payette County Planning & Zoning

Cc: File

# **AEHI'S PROPOSED DEVELOPMENT AGREEMENT**

**Recording Requested By and  
When Recorded Return to:**

**Planning & Zoning Administrator  
Payette County  
1130 Third Avenue North #107  
Payette, Idaho 83661**

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**For Recording Purposes  
Do Not Write Above This Line**

## **DEVELOPMENT AGREEMENT**

**by and between**

**PAYETTE COUNTY**

**and**

**ALTERNATE ENERGY HOLDINGS INC.**

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**MINUTES OF A REGULAR CITY OF PAYETTE PLANNING AND ZONING MEETING HELD  
SEPTEMBER 23, 2010, AT 6:00 P.M. IN CITY HALL, 700 CENTER AVENUE, PAYETTE, IDAHO.**

**THE MEETING WAS CALLED TO ORDER BY COMMISSIONER RANDY CHOATE.**

**MEMBERS PRESENT:** Jim Franklin, Larry Hogg, Tom Ladley, Randy Choate and Gary Youngberg were present. Kevin Hanigan and Brent King were absent.

**APPROVAL OF MINUTES:** Commissioner Franklin made a motion to approve the minutes of August 19, 2010, as written. The motion was seconded by Commissioner Ladley and passed by unanimous voice vote.

**COMMUNICATIONS** – None

**PUBLIC HEARINGS**

- A. An application by Norma Clapp for a Conditional Use Permit to allow for the construction of a 12' X 16" shed with height of 12'6" and an 8' X 16' loafing shed. Also, a permit to allow 2 calves on property at 311 River Street, Tioga Plat, Block 26 less S 7.4' of Lot 5 and Tax 1 of Block 27, Payette County records. The property is zoned I-Industrial. Norma Clapp, 311 River Street, addressed the Commission. She stated that she needs a shed for extra storage. There was an old shed that she tore down. She wants to put a tough shed that is 6" over the height requirement and attach an 8' X 16' loafing shed to it. She owns property all the way to the river. The Commission asked what was to the South of her and she stated pasture. Her lot is 63' X 553'. She would also like to have 2 calves next spring on her property. She has sufficient acreage to pasture and it is fenced and irrigated. She moved here on September 1<sup>st</sup>. Her neighbors have chickens and horses.

Rashell Kekelis, 311 River Street, addressed the Commission. She wanted to clarify the property on the South. That property is about the same size as Ms. Clapps, but their barn is about 26' in height.

On one else addressed the Commission.

**OLD BUSINESS**

**NEW BUSINESS**

- A. An application by Norma Clapp for a Conditional Use Permit to allow for the construction of a 12' X 16" shed with height of 12'6" and an 8' X 16' loafing shed. Also, a permit to allow 2 calves on property at 311 River Street, Tioga Plat, Block 26 less S 7.4' of Lot 5 and Tax 1 of Block 27, Payette County records. The property is zoned I-Industrial. Commissioner Franklin made a motion to approve the permit for 12' X 16" shed with height limit of 12'6" and an attached 8' X 16' loafing shed, also to allow 2 calves to be pastured on property at 311 River Street, with the stipulation that all building codes are met for the shed and permits can be revisited upon complaints. The motion was seconded by Commission Youngberg and passed by unanimous voice approval.

There being no further business, the meeting adjourned at 6:22 P.M.

Recording Secretary  
Bobbie Black



CITY OF PAYETTE

700 Center Avenue  
Payette, ID 83661  
(208)642-6024 ~ (208)642-1412 fax

RECEIVED  
OCT 29 2008  
CITY OF PAYETTE

Conditional Use Permit

Date Received: 0/29/08 Fee(s) Paid: Yes/No CUP: \$50.00

Applicant

Stem: 880 9837

Name: STEVE MUIVES Address: 15 N. MAIN  
City: Payette State: Idaho Phone: 642-7313

Owner (Complete if owner not Applicant)

Name: STEVE MUIVES Address: 1 N. MAIN  
City: Payette State: Idaho Phone: 642-7313

Property Covered by Permit:

Address: 15 N MAIN Zone: C-1 Commercial

Legal Description (Lot, Block, Addition, Subdivision)  
Gosrie Addition BK 2 Lot 17

Nature of Request (Briefly explain the proposed use)

To be used by a family member  
Residential use in a commercial zone

Existing use of property:

STORAGE

Will this have an impact on schools:

NO

# Conditional Use Permit

The following information will assist the Planning & Zoning Commission and/or City Council to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?

Residential

2. What is the estimated sewer usage per month? Will pretreatment be necessary?

Residential

3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?

Private

4. If commercial, industrial, or a home occupation, what will be the hours of operation?

5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?

NO

6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multifamily for young families, singles and couples, or elderly?

single

7. What provision has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for fire fighting equipment?

Hydrant Corner of Center & Main

8. How much parking is being provided on-site? Do the aisle widths and access points comply with the ordinance requirements? Has landscaping been provided in accordance with the ordinance?

Room for three

9. Where will solid waste generated be stored? Is access adequate for the City collection?

normal trash service

10. What is the type of noise that will be generated by the use? What are the hours of noise generation?

none

11. What type of equipment will be used in the conduct of the business? \_\_\_\_\_

Residential

12. What are the surrounding land uses? Has buffering been provided as required by the ordinance?

Rentals

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

None

14. Will the parking lots or other outdoor areas have lighting? Yes

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

N/A

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial street?

Center

17. What, if any, signage is anticipated in connection with the proposed usage? None

*The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.*

A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

A LIST OF ALL NEIGHBORS WITHIN 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessors Office 1130 3<sup>rd</sup> Ave North, Payette

Formal notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.

Steve Nunes

Signature of Applicant

10-29-08

Date

**MINUTES OF A REGULAR CITY OF PAYETTE PLANNING AND ZONING MEETING HELD NOVEMBER 20, 2008, AT 6:00 P.M. IN CITY HALL, 700 CENTER AVENUE, PAYETTE, IDAHO.**

**THE MEETING WAS CALLED TO ORDER BY COMMISSIONER JIM FRANKLIN.**

**MEMBERS PRESENT:** Jim Franklin, Tom Ladley, Brent King, Kevin Hanigan, Matt Keith, Larry Hogg were present and Randy Choate was absent.

**APPROVAL OF MINUTES:** Commissioner Ladley made a motion to approve the minutes of October 23, 2008, as amended to read that Larry Hogg was present last meeting. The motion was seconded by Commissioner Hanigan and passed by unanimous voice vote.

**PUBLIC HEARINGS:**

**Conditional Use Permit, Payette County Sheriff, 1130 3<sup>rd</sup> Avenue North:** Troy Sallee, 9300 Washoe Road, addressed the Commission. The Sheriff's department is requesting to place a 16' high fence with razor wire for their open exercise yard. People keep throwing items into the yard now and it is easy to get dope, guns & knives into it. It would be a double fence and having this fence will keep that from happening.

No one else addressed the Commission.

**Conditional Use Permit, Steve Nunes, 15 North Main Street:** Steve Nunes, 5 North Main Street, addressed the Commission. He recently purchased the building that Sandy's Flowers was in and the upstairs has the potential of 2 apartments. He received the list from the building inspector and fire chief for the requirements to have residential in a commercial zone. All four buildings he now owns and plans on putting a fire system that is expandable for future buildings. He stated that he will install a Knox lock for the fire department. He will rent the apartments primarily to his family. The list that he received is routine and acceptable to him. By having the alarm system go directly to dispatch his fire premiums will be lower. He plans on installing a metal fire escape off the back of Sandy's. The emergency lighting system upstairs will be operable before occupancy of the apartments.

No one else addressed the Commission.

**NEW BUSINESS:**

**Conditional Use Permit, Payette County Sheriff, 1130 3<sup>rd</sup> Avenue North:** Commissioner Hanigan made a motion to approve the permit for the Payette County Sheriff's Office to install a 16' fence with razor wire as presented. The motion was seconded by Commissioner Ladley and passed by unanimous voice vote.

**Conditional Use Permit, Steve Nunes, 15 North Main Street:** Commissioner Hogg made a motion to postpone the decision of the permit until the February 19, 2009 meeting or sooner to allow Mr. Nunes to meet all the conditions in the letter dated 11-14-08 from the building inspector. The motion was seconded by Commissioner Keith and passed by unanimous voice vote.

There being no further business, the meeting adjourned at 6:17 P.M.

Bobbie Black  
Recording Secretary

they need time to move the horses that is fine with him. He also stated that he does not have an issue with the Wiley's having 2 horses if they maintain their fence. The fence is shared and is on the property line.

Ralph Glover, 311 River Street, addressed the Commission. He has 1 horse and he can maintain his irrigated pasture for the horse. He has well water for irrigating. He came to vote against the Wiley's having 7 horses, but after what he has heard he is not against them having 2 horses. His pasture is alive and well as is his 46 year old mare. He is only 3 houses away and does not feel that 7 horses on the pasture won't hack it.

No one else addressed the Commission.

- C. **Expand City of Payette Impact Area:** Mary Cordova, City Clerk, addressed the Commission. The City wants to expand the impact area to include area north to NE 25<sup>th</sup> Avenue, Washoe area to include up to the bench and a portion of Killebrew Drive area. This allows the City to have orderly development when the property is acquired thru annexation.

No one else addressed the Commission.

## OLD BUSINESS

*Px2  
2-2609*

The Commission discussed the conditional use permit for Steve Nunes that was postponed from the November 20, 2008 meeting. Steve Nunes addressed the Commission. He is still working with the Fire Chief, Fruitland Electric and the State Fire Marshal on the sprinkler system and fire alarms. It is taking longer due to the State Fire Marshal establishing parameters on what is needed for this type of building. Mr. Nunes wants the 4 buildings wired together. He stated that he will only have about 25-20 days work when all the electrical work is done. He is also working on the stairwell. Commissioner Franklin made a motion to postpone the decision of the permit until May 28, 2009. The motion was seconded by Commissioner King and passed by unanimous voice vote.

## NEW BUSINESS

An application by Sharon Ma Hui, Mandarin Restaurant, for a Conditional Use Permit to serve beer at 136 So Main Street. The property is zoned C-1 Downtown Commercial. Commissioner Franklin made a motion to allow the permit for the sale of beer at the Mandarin Restaurant at 136 So Main Street, the motion was seconded by Commissioner Hanigan and passed by unanimous voice vote.

An application by Raymond Wily, for a Conditional Use Permit to allow seven horses on pasture at 331 & 331 ½ River Street. The property is zoned Industrial. Discussion followed that allowing 60 days for the 6 horses to be moved and then

No one else addressed the Commission.

- E. A request by Gerald & Jane Young to be de-annexed for property at 2875 Center Avenue, 35-9-5, portion of N1/2E1/2E1/2SWNE. The property is zoned B-Residential.

Jane & Gerald Young, 2875 Center Avenue, addressed the Commission. They are asking for de-annexation and a letter was provided from them to the Commission and Mrs. Young stated that would be sufficient for their reasons. She stated that no city codes are being enforced. Their property borders the Lancaster property on 3 sides and County is on the North side. They were forced to take garbage service that they don't need. They own 4.95 acres and their taxes were \$1368 and went to \$2916. The City has done nothing for them. They have complained for 2 years about the weeds and nothing has been done. She stated that it will be another 5 years before anything would be done. She asked why 2 property owners were excluded from annexation for 5 years, but they were not.

Aaron Sobers, 2055 Center Avenue, addressed the Commission. He stated that 2 years ago he was in favor of the annexation due to being told that the lots would be 1-5 acres lots to keep the country atmosphere, he was lied to. When the property was being annexed they were told that water/sewer services would be available within 6 months to 1 year and nothing has happened. He is in favor of the de-annexation and wants the City to put the lots back to 1-5 acres as originally told. He stated that it is cheaper to move back to Nampa than live in Payette. Mr. Sobers stated that realtors Sue Mio & Jeff Williams told them it would be 1-5 acres and showed them plans. Commissioner King stated he is a realtor and he can't tell people what a government agency can do, anything can change. Mr. King said that it sounded like the problem is with the realtors, not the City. Mr. Sobers said his taxes have doubled and he now has to pay for trash.

Kathy Bear, 9847 Payette Heights Road, addressed the Commission. Her property was one that was not annexed. They were told that the subdivision would be done in 5 phases and they were the last phase that is why they did not get annexed. She stated that it is not right that other people were annexed when 2 properties were not.

No one else addressed the Commission.

**OLD BUSINESS**

- 1. Conditional Use Permit for Steve Nunes to have residential living units above a commercial building at 15 North Main Street – postponed

P+2

52809

Steve Nunes, 5 North Main Street, addressed the Commission. When he started the project his bank gave him the go ahead for the fire suppression and now they have backed out due to wanting more value in the buildings. He would like to finish the 2 apartments above 15 North Main Street. Originally he tied all the fire suppression to the 4 buildings and now would like it separated. He will have detection in the 2 apartments he wants to complete first. He still wants to put the suppression system in eventually. The Commission asked him if he would meet fire code. Mr. Nunes stated that he would have egress with ladders out of the windows.

Mary Cordova, City Clerk, addressed the Commission. She stated that the Commission cannot waiver from building and fire codes. Mr. Nunes's new plans will not meet the codes. She recommends that the Commission denies the permit and then he can appeal to the City Council.

Commission Hanigan made a motion to deny the Conditional Use Permit for Steve Nunes, 15 North Main Street, due to not meeting building and fire codes. The motion was seconded by Commissioner Ladley and passed by unanimous voice vote.

2. Approval of Findings of Fact, Conclusion of Law for annexation request for Piotr & Paul Babichenko

Commission Ladley made a motion to approve the Findings of Fact, Conclusion of Law for an annexation request for Piotr & Pael Babichenko as presented. The motion was seconded by Commissioner King and passed by unanimous voice vote.

3. Approval of Findings of Fact, Conclusion of Law for an annexation request for the City of Payette (Northwest Payette)

Commissioner Hanigan made a motion to approve the Findings of Fact, Conclusion of Law for an annexation request for Northwest Payette as presented. The motion was seconded by Commissioner King and passed by unanimous voice vote.

## **NEW BUSINESS**

- A. An application by Garry & Janet Toth for a Conditional Use Permit to build a garage with maximum height of 15'6" on property at 340 S. 16<sup>th</sup> Street, Payette Krug, Lot 1 & N. 26.25' of Lot 2, less E. 12 ½' of Block 1. The property is zoned C-Commercial.

Commissioner Hogg made a motion to approve the Conditional Use Permit for Garry & Janet Toth to build a garage with a maximum height of 15'6" on property

*State of Idaho*  
**DEPARTMENT OF INSURANCE**

C.L. "BUTCH" OTTER  
Governor

DIVISION OF  
STATE FIRE MARSHAL  
700 West State Street, 3rd Floor  
P.O. Box 83720  
Boise, Idaho 83720-0043  
Phone (208)334-4370  
Fax (208)334-4375  
www.doi.idaho.gov

WILLIAM W. DEAL  
Director

MARK A. LARSON  
State Fire Marshal

**MEMORANDUM**

**DATE:** March 2, 2009

**MEMO TO:** Jeff Sands, Fire Chief  
Payette Fire Department

**FROM:** Knute C. Sandahl, Deputy State Fire Marshal

**SUBJECT:** 15 North Main Street  
Payette, Idaho

On Wednesday, February 11, 2009, an inspection was performed for compliance with the 2006 edition of the International Fire Code as adopted, referenced Standards of the National Fire Protection Association, and other applicable regulations. At 15 N. Main Street in Payette, Idaho.

Given the unique nature of this particular building and occupancy, I can only offer the following fire safety suggestions:

1. Throughout the building, storage of combustibles appears to be excessive and placed with little regard to egress. We recommend the building occupant remove these items and limit the amount of combustibles.
2. The electrical system appears to be sub-standard resulting in the occupant using extension cords for electrical power to appliances. Extension cords were also observed penetrating walls and doorways posing a potential fire hazard. We suggest extension cords be eliminated and removed in these mentioned conditions.
3. Numerous penetrations were observed in ceilings and walls, which will increase fire spread. Concealed spaces are being used for storage of combustible materials. We recommend removal of combustible materials for all concealed spaces and repair of penetrations.
4. Vent pipe from furnace units were observed penetrating ceilings and walls through occupiable spaces in the second floor of the building. We would suggest these vent pipes be verified that they meet installation and construction requirements.

The owner of this building desires to remodel and create apartments on the second floor of the building. Section 903.2.7 of the fire code states that all Group R occupancies shall be sprinklered. Section 104.8 indicates that if practical difficulties exist, the fire code official shall have the authority to allow modifications provided the intent of the code is met.

The installation of a compliant alarm system and other safeguards could be interpreted as meeting the intent of the code. During our meeting, the owner provided a sketch drawing of his intentions for remodeling which included the placement of fire alarm components.

I have reviewed these sketch drawings and below are suggestions for consideration:

1. All Group "B" occupancies should be required to have a manual fire alarm, smoke or heat detection and complete fire alarm notification.
2. All group "R" occupancies should be required to have single or multiple station smoke alarms that are monitored by the fire alarm panel, a manual fire alarm and fire alarm notification appliances in the event a smoke detector located in any common way or Group "B" occupancy were to activate.
3. Placement of smoke alarm appliances in the Group "B" and Group "R" occupancies must be in compliance with the provisions of the adopted International Fire Code and referenced National Fire Protection Association standards.
4. All corridors should be required to have smoke detectors installed. These detectors must be monitored by the fire alarm panel and if activated, would send a notification signal to all notification appliances throughout the building.
5. Common areas and corridors should be required to have emergency illumination and means of egress clearly identified.
6. Fire escapes and means of egress should be reviewed for stability and compliance with current building codes.
7. We suggest the local building official be included in any of the above considerations.

that the reason we are asking is because the insurance company told us we would have to increase the whole cost of the building. Mayor Henderson asked Clerk Cordova if we had them submit the security deposit last year. Clerk Cordova stated yes. Mr. Heim stated that the reason we are asking for the fees to be waived is because of the cost and this is an event for the kids and we would like to see it continue. Clerk Cordova stated that the insurance requirements of \$500,000 is fine with our insurance company we have just always requested the million dollar policy to protect us. If someone comes and asks us for less than \$500,000 than we would not want to do something like that per our insurance company? Anything between a million and \$500,000 is fine. Councilor Mussell asked how many kids they had at last year's event. Mr. Heim stated there were 25 per day, but we had probably 60 kids signed up and came different days.

Heleker moved and Mussell seconded a motion to approve the Special Event Permit Application by Whitestone Christian Fellowship as well as waive the application fee and reduce the insurance requirements to \$500,000.

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

**B. Appointment of Randy Choate to Payette Planning & Zoning Commission**

Heleker moved and Williams seconded a motion to re-appoint Randy Choate to the Panning & Zoning Commission for another 6 year term.

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

**C. Request for extension of Curb, Gutter, and Sidewalk**

- Aric Barto

Mayor Henderson stated that the request from Mr. Barto is postponed until the June 15<sup>th</sup> meeting. Mr. Barto was not able to attend tonight.

**D. Request for Appeal of Conditional Use Permit Denial**

- Steve Nunes

Mayor Henderson stated that he is appealing the Planning and Zoning Board's denial of his conditional use permit. Mr. Nunes is planning to add some residential apartments above his buildings on Main Street. The reason for the P&Z unanimous denial was because of a fire code issue that was not being met with the property.

Steve Nunes – 5 North Main; Payette, ID

Mr. Nunes stated that this is an economical thing. We were going to put in an early detection electronic system that sends the information to dispatch. This system is going to run in the neighborhood of \$30,000 and my bank has completely backed out at this point. Earlier they had told me to go ahead with it and then after I got everyone wound up and even got Fruitland Electric out there doing some research work on how to operate this thing the bank

told me no, because the property values are not going to hold. She told me there was not enough value on paper and I told her I could do that if I could finish the apartments. The problem is the \$30,000 fire system that I still would like to have is not feasible at this time. I need to finish the two apartments above 15 North Main and have them appraised and at that time I can use that appraisal to go back to the bank and see if we can't continue on with the original plan. Mayor Henderson stated that he saw a letter from the State Fire Marshal that list a bunch of items that he would like you to complete for this to happen. Which of these do you have a problem with doing prior to completing your project. Mr. Nunes stated that he has not seen a list. Mayor Henderson gave Mr. Nunes the list to look over and see if there was anything he was opposed to doing. Mr. Nunes stated that he would have to have Chief Sands come over and show him all of these ceiling problems, but other than that I have no problems. Mayor Henderson stated that when you say that you would be willing to meet those and the alarm system you would be willing to install in the future, would you be willing to set a date. Mr. Nunes stated that it depends on the economy and when I finish that apartment. Councilor Williams stated that the \$30,000 for the early detection sounds like this might work perfectly for our revolving loan fund. Mr. Nunes stated that he had come in and talked to Clerk Cordova about the loan fund. Councilor Williams stated that he does not feel comfortable sleeping in a location that could have a fatality, but I do think we could make this a win, win with the revolving loan fund. Councilor Nelson stated that from the lists we have received it sounds as if you are more than willing to complete all the items. Mr. Nunes stated yes, absolutely. Councilor Williams asked if Mr. Nunes would rather have a conditional use permit and put in the firewalls for one unit or would you rather have some interim financing possibly in the cities revolving loan fund to get all of them up to speed and occupied. The cities loan fund is not the cheapest. Mr. Nunes stated that Bank of America said the same thing. Mayor Henderson asked Mr. Nunes if he would like to come back to the next meeting and give him some time to look over the revolving loan paperwork. Mr. Nunes stated that the only that stops him from saying yes, is that he doesn't know what the interest rate is on the revolving loan fund. Mayor Henderson told Mr. Nunes to look over the paperwork and come back to the next meeting.

**E. Approval of an Amendment to the City of Payette Alcohol and Drug Policy and Testing Procedures**

Councilor Williams stated that he has to give credit where credit is due and thanks to Mr. Massey for finding an error. We need to add will on the second to last page.

Heleker moved and Mussell seconded a motion to approve the Amendment to the City of Payette Alcohol and Drug Policy and Testing Procedures with changes noted.

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

**F. Resolution 2009-05 A Resolution of the Payette City Council Adjusting Water and Wastewater Rates by the Consumer Price Index (CPI)**

Councilor Mussell stated that he is glad to see that we are not taking the full 6.1% that we could, but have instead decided to go with a much lower rate of 4%.

Mussell moved and Cochran seconded a motion to approve Resolution 2009-05 as written.

**MINUTES  
PAYETTE CITY COUNCIL  
SPECIAL MEETING  
September 30, 2009**

**ROLL CALL**

Members Present: Mayor Henderson, Ivan Mussell, Lee Nelson, Mark Heleker, Jeff Williams, Georgia Hanigan, Les Cochran

Members Absent:

Also Present: Mary Cordova, City Coordinator/Clerk; Tiffany Howell, Utility Clerk

**New Business**

**A. Revolving Loan Application – Steve & Dollie Nunes**

Mayor Henderson stated that the Nunes' are asking to borrow money from our revolving loan fund. This matter was submitted to the finance committee earlier this week.

Councilor Williams stated that some of the challenges that we had were if it was going to improve the number of jobs in our area. That is what the revolving loan fund was set up for. So we had a hard time because it is not going to bring jobs to the area, but will help him get his rental done. He asked for \$49,000 over a period of 15 years. We came back with \$30,000 and \$300 a month, 10% interest, and a balloon payment in 5 years. The \$30,000 was primarily an equipment cost and we require that the money be used for that.

Councilor Nelson stated that he recalled that Nunes had a hard time getting a loan because the upstairs wasn't done, so by doing this he should be able to get a loan sooner.

Mayor Henderson stated that we need to think of the precedence we are setting here, and I think we do need to keep this for job opportunities. Councilor Williams stated that the alarm system will be in the building and will be an improvement to the building.

Clerk Cordova stated that in 2004, when the revolving loan fund was started, the intent was to stimulate the economy through the creation of jobs. An unsecured signature loan is not a smart move when lending from this fund. We have absolutely no collateral. The only good thing that will come out of this will be the new alarm system. We do have two applications out there that will create jobs.

Councilor Williams stated that when he originally looked at this he was ready to approve it, but when Mary stated that she had two applications out that would create jobs in Payette that made me stop and think. The reason he needs the alarm system so much is he put holes between buildings and broke the fire walls.

Clerk Cordova stated that this has nothing to do with the business. This application is for the installation of the alarm system, and I urge the Council to seriously consider this application.

Councilor Nelson asked if he still has to do some remodeling. Mayor Henderson stated that yes he has a lot of remodeling still to do. Councilor Williams stated that I am assuming that since he broke the fire walls he has to put in this fire alarm.

Councilor Hanigan asked if we can tie the alarm system to the loan. Clerk Cordova stated absolutely. This does not protect the building; all it does is notice the fire department of a fire.

Councilor Heleker asked if we can just put the quote amount for \$28,500. Clerk Cordova stated yes.

A motion was made by Mussell and Williams seconded to loan Mr. & Mrs. Nunes \$30,000 at 10% interest with a balloon payment after 5 years, as well as having the security system being tied to the loan, and having it inspected and approved by the Fire Chief and State Fire Marshall prior to installation.

After a unanimous voice vote, the motion CARRIED.

**B. Designation of Polling Place**

A motion was made by Heleker and Cochran seconded by to designate Payette City Hall as the official polling place for the 2009 general election.

After a unanimous voice vote, the motion CARRIED.

**ADJOURNMENT**

A motion was made by Heleker and Williams seconded by to adjourn.

After a unanimous voice vote, the motion CARRIED, and the Council adjourned at 12:45 PM.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
DOUGLAS E. HENDERSON, Mayor

ATTEST:

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

## ORDINANCE 1324

### AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION(S) 5.04.010; 5.04.020; 5.04.050; 5.04.060; 5.04.070; 5.04.080; 5.04.090; 5.08.030 IN CHAPTER 5.04 & 5.08 OF TITLE 5, BEER AND LIQUOR; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

**Section 1.** Section 5.04.010 of Title 5, Chapter 5.04 of the Payette Municipal Code is hereby amended as follows:

Chapter 5.04  
BEER & WINE

#### 5.04.010: DEFINED:

"Beer" as used in this chapter, means and shall be construed to mean and embrace all spirituous, malt, vinous, fermented or other beverages and all mixtures or preparations reasonably likely or intended to be used as a beverage which shall contain no more than four percent (4%) of alcohol by weight. (Prior code § 5-4-1)

"Wine" is defined as, any alcoholic beverage containing not more than fourteen percent (14%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

#### 5.04.020: LICENSE; REQUIRED:

It is unlawful for any person to sell, trade, barter or dispose of "beer or wine", as defined in section 5.04.010 of this chapter, at retail within the corporate limits for a consideration without first having obtained a license from the council as provided in this chapter. (Prior code § 5-4-2)

#### 5.04.050: LICENSE; GRANTED FOR CERTAIN PLACE ONLY:

No retailer's license should be granted to any person to sell, trade, barter and/or dispose of beer or wine, except in a certain room or building designated in said license which shall be well lighted, and the place of business shall not be changed or moved without the consent of a majority of the council in regular session. (Ord. 1149, 1997: prior code § 5-4-5)

#### 5.04.060: RETAILER; SALES RESTRICTIONS:

It is unlawful for any retailer to suffer or permit any person under the age of twenty one (21) years to consume any "beer or wine, ", as defined in section 5.04.010 of this

chapter, in or upon his premises; or for any retailer to sell, give away or in anywise dispose of any such beer to any person under the age of twenty one (21) years; or for any retailer to sell, give away or dispose of any such beer or to permit any such beer to be consumed by any person in or upon his premises at any time between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. (Ord. 1120 § 1, 1996: Ord. 951, 1984: prior code § 5-4-6)

**5.04.070: LICENSEE; CONDUCT OF BUSINESS; POSTING AND TRANSFER OF LICENSE; BANKRUPTCY OR INCOMPETENCY:**

- A. Every person to whom a license is granted under the provisions of this chapter shall at all times conduct a quiet and orderly place of business which shall be open at all times to the inspection of any police officer or officer of the United States Treasury Department, who shall have the right at any and all times to make an examination of any licensed premises to ascertain if the licensee of such premises is conforming to the provisions of this chapter and/or the laws of the United States applicable thereto, and to check the alcoholic content of any such beer or wine, being kept for the purpose of sale and distribution on said premises.
- B. All permits or licenses shall be posted in a conspicuous place on the premises and shall be kept so posted during the full period of time for which issued, and said licenses or permits shall not be sold, transferred or assigned without the written consent of a majority vote of the council at a regular session thereof.
- C. In case of a receivership, assignment, bankruptcy or incompetency of the licensee, the licensee's business may be carried on under the permit by the duly appointed, qualified and acting receiver, assignee, trustee in bankruptcy, guardian, executor or administrator of the licensee; provided, that such receiver, assignee, trustee, guardian, executor or administrator shall file with the city clerk a duly certified copy of his appointment and secure the written consent of the council. (Prior code § 5-4-7)

**5.04.080: LICENSE; FEES; EXPIRATION:**

- A. The annual license fees for the retail sale of "beer" or "wine", as defined in section 5.04.010 of this chapter, are fixed as follows:
  - 1. Where such retailer sells bottled, canned or draft beer and such bottled, canned or draft beer is consumed on the premises where sold, two hundred dollars ~~one hundred dollars~~ (\$200.00) ~~(\$100.00)~~ a year;
  - 2. Where such retailer sells bottled, boxed, packaged, or by the drink wine and such bottled, boxed, packaged, or by the drink wine is consumed on the premises where sold, one hundred dollars (\$100.00) a year;

3. Where such retailer sells only bottled or canned beer, none of which is consumed on the premises where sold, the license fee shall be fifty dollars (\$50.00) ~~twenty five dollars (\$25.00)~~ a year.

4. Where such retailer sells only bottled, packaged or boxed wine, none of which is consumed on the premises where sold, the license fee shall be fifty dollars (\$50.00) a year.

B. All licenses issued under the term of this chapter shall expire on December 31 of the year for which they are issued. (Ord. 951, 1984: prior code § 5-4-8)

**5.04.090: LICENSE; ISSUANCE PROHIBITED TO WHOLESALERS AND MANUFACTURERS:**

No retailer's license to sell, trade, barter and/or dispose of "beer or wine", as defined in section 5.04.010 of this chapter, shall be issued to any person holding a wholesale or manufacturer's license. (Prior code § 5-4-9)

**5.08.030: LICENSE; FEE; EXPIRATION; WAIVER OF OTHER FEES:**

A. Each licensee licensed under the provisions of this chapter shall pay an annual license fee in advance to the city of five hundred sixty two dollars and fifty cents (\$562.50) ~~six hundred dollars (\$600.00)~~ per year, regardless of when during the calendar year such license is issued.

**Section 2.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 3.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

**Section 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 5.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF PAYETTE, IDAHO

by \_\_\_\_\_

**ORDINANCE 1327**

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 13.08.031 (A) OF THE PAYETTE MUNICIPAL CODE TO ADD SECTION (C) CHANGING THE SEWER CLASSES OF PERMITS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO, AS FOLLOWS;

**13.08.031: CLASSES OF PERMITS:**

- A. There shall be two (2) classes of building sewer permits: one for residential and commercial service and one for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the city. A residential or commercial building sewer permit and an industrial building sewer permit fee will be set by resolution of the city council, and shall be paid to the city at the time the application is filed. Each living unit shall be charged the permit fee.
- B. The sewer permit fee to users outside the city limits shall be two (2) times the fee as charged.

C. Users may be exempt from paying the permit fee if the following conditions apply: A fee exemption may apply if the user is replacing an existing sewer tap and prior tap is abandoned and inspected by a member of the sewer department.

**Section 2.** This Ordinance may be published in summary form allowed by Idaho Code.

**Section 3.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

**Section 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 5.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this \_\_\_\_\_ day of \_\_\_\_\_, 2010.



# PAYETTE CITY COUNCIL Agenda Request Form

RECEIVED  
OCT 11 0 2010  
CITY OF PAYETTE

**Policy:** Any person, group or organization wishing to personally address the Payette City Council in session shall fill out a written request form and file it with the City Clerk's Office 10 days in advance of the scheduled meeting. Regular meetings are held at 7:00 P.M. the 1st and 3rd Monday of every month.

NAME: Ervin L Parrish & Julianne Parrish

TELEPHONE: 208 642 6119 (DAY) Same (EVENING)

ADDRESS:  
912 N 8th St Payette ID 83661

NAME OF PERSON(S), GROUP OR ORGANIZATION:

SUBJECT MATTER TO BE DISCUSSED:  
Dangerous Nuisance Trees & city's failure to enforce ordinance pertaining to said trees

COULD THE SUBJECT BE DISCUSSED AND/OR REVIEWED BY MEETING WITH THE MAYOR, CITY DEPARTMENTS OR OTHER OFFICIALS? [] YES [ ] NO

IF ANSWER TO ABOVE IS YES, PLEASE LIST THOSE WHO HAVE ALREADY REVIEWED SUBJECT. IF NO, WHY NOT?  
Ordinance officer - Mayor

SPECIFIC QUESTIONS AND/OR ACTION DESIRED FROM THE CITY COUNCIL:  
Do something about the trees!

The person(s), group or organization making the request to be on the agenda will be contacted by the City Clerk's Office, informing him/her of the scheduled meeting date and time. Every effort will be made to schedule the request at the earliest possible meeting date.

10-16-2010 Ervin Parrish Julianne Parrish  
Date Signature of person making request

10-28-10 BBled Assigned to Agenda: 11-1-10  
Date City Clerk Date

**GENERAL BUSINESS PRESENTATIONS LIMITED TO 5 MINUTES - OR THE DISCRETION OF THE MAYOR**

If you plan a visual presentation, it must be submitted to the Clerk's Office no later than 5:00 p.m. on the Wednesday prior to the meeting. Acceptable presentation formats include PowerPoint presentations on CD only, DVD, VHS and 8.5 by 11 inch maps or printed materials for display on screen. All copies submitted become public record and must remain on file with the City Clerk. For more information contact 208-642-6024.

## IMPACT AREA AGREEMENT

An agreement between Payette County, Idaho, and the City of Payette, Idaho.

WHEREAS in 1974 a joint County-City Planning Covenant was created, which council established a County wide comprehensive plan; and

WHEREAS the City and County have active Zoning Commissioners which have functioned since the land use planning act of 1975; and

WHEREAS both parties have adopted Subdivision Ordinances and Zoning Ordinances and Comprehensive Plans; and

WHEREAS the Land Use Planning Act of 1975 requires Counties and Cities to negotiate impact areas; and

WHEREAS the Parties have completed their negotiations concerning the Payette City Impact Area; and

WHEREAS the committee of nine met and made their recommendation; and

WHEREAS the Parties have agreed upon land use planning within that Impact Area; and

WHEREAS hearings have been held by both Zoning Commissions and both governing boards;

Therefore, the Parties agree as follows:

1. The Impact Area for the City of Payette shall be that Impact Area, which was adopted by the Board of County Commissioners for Payette County on the 25<sup>th</sup> day of October, 2010 and by the Payette City Council on the \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.
2. Both the City and the County shall adopt by Ordinance the Impact Area Map which is attached hereto as exhibit A and incorporated hereat and both entities shall keep that Impact Area Map on file. Both entities shall make that map available to members of the public during normal business hours.
3. The areas outlined and marked in yellow shall be designated as Medium Density Residential; areas marked in Dark Green shall be designated as Low Density Residential; areas marked in Light Green shall be designated as Development Reserve; areas marked in Light Blue shall be designated as Light Industrial; areas marked in Light Purple shall be designated as Commercial (C-1); areas marked Dark Purple shall be designated as

Commercial (C-2); areas marked as Dark Blue shall be designated as Public; and areas marked as Red shall be designated as Recreational . Unmarked areas shall remain with the zoning designation of Agricultural.

4. Should any person seek a permit for a variance, conditional use or any use which requires a public hearing or which seeks a use which is not automatically permitted within a given zone; the City shall be given the same hearing notice as adjoining or affected land owners. The City shall have the opportunity to present written testimony or have a representative appear at the hearing or meeting where the request is considered to offer testimony and information as would any affected person or adjoining landowner.
5. Within the City Impact Area, the County, without repealing its existing ordinances, shall adopt the City Zoning and Subdivision ordinances. The County shall apply those ordinances in conjunction with the County Zoning and Subdivision ordinances in the designated Impact Area. The most restrictive of the two ordinances shall be applies to the land development.
6. This Agreement shall not prohibit the rebuilding or replacement of any existing structure used for agricultural purposes, which structure is damaged or destroyed or needs replacement due to wear and tear.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF PAYETTE, IDAHO

PAYETTE COUNTY, IDAHO

By \_\_\_\_\_  
Jeff Williams, Mayor

By \_\_\_\_\_  
Larry Church, Chairman  
County Commissioners

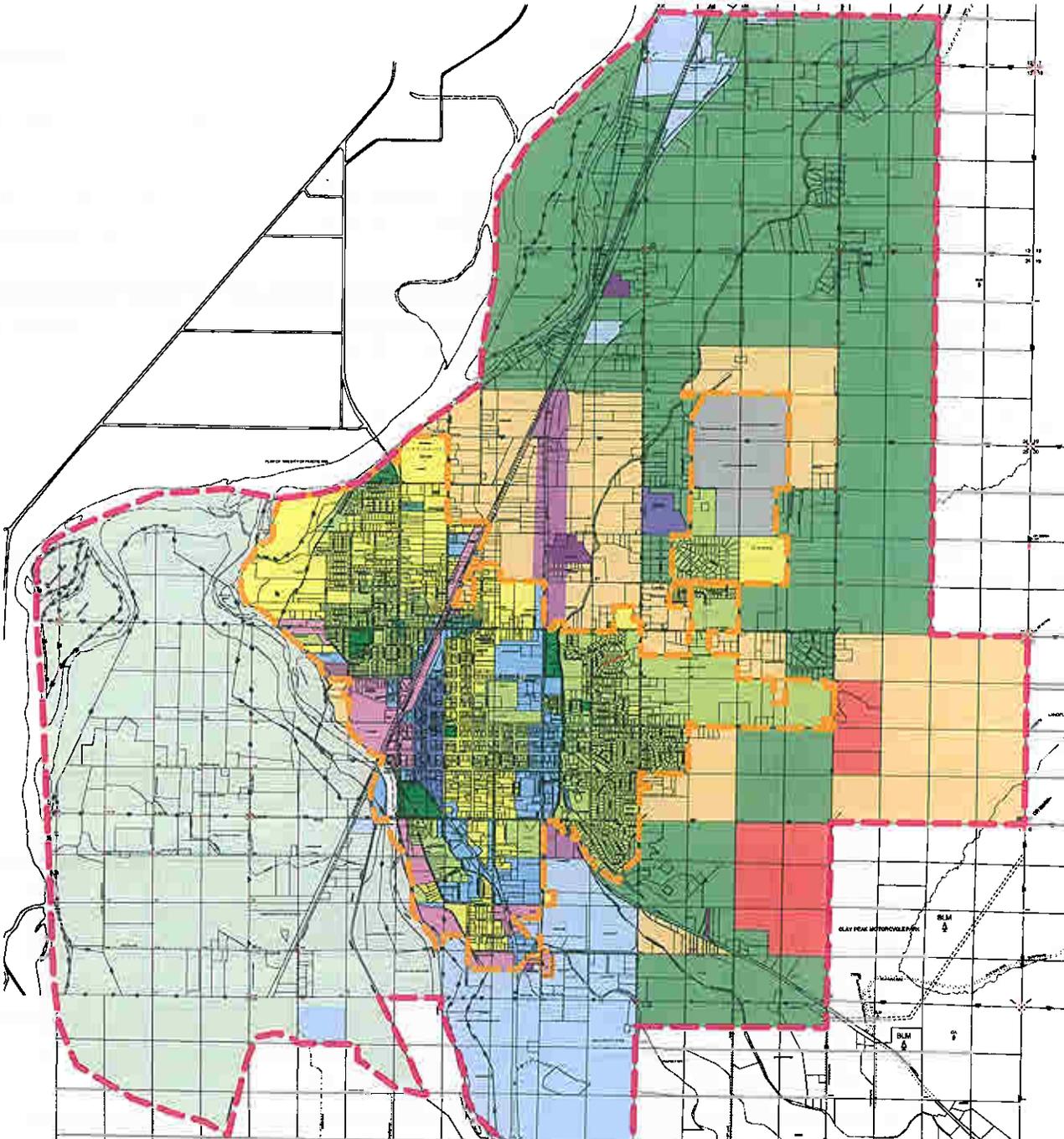
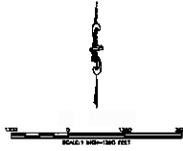
ATTEST:

ATTEST:

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

\_\_\_\_\_  
Betty Dressen, County Clerk

# CITY OF PAYETTE PAYETTE COUNTY, IDAHO COMP PLAN MAP



**LEGEND**

- CITY LIMITS
- CITY IMPACT AREA

**CITY OF PAYETTE ZONING**

- A RESIDENTIAL
- B RESIDENTIAL
- C COMMERCIAL
- C1 COMMERCIAL
- C2 COMMERCIAL
- T TRANSITIONAL
- INDUSTRIAL

**IMPACT AREA / COMP PLAN  
LAND USE DESIGNATION**

- PARKS AND OPEN SPACE
- MEDIUM DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- DEVELOPMENT RESERVE
- LIGHT INDUSTRIAL
- COMMERCIAL (C-1)
- COMMERCIAL (C-2)
- PUBLIC
- RECREATIONAL

This map represents a simplification of public information and is not intended to be used for legal purposes. The City of Payette is not responsible for any errors or omissions. The City of Payette is not liable for any damages, including consequential damages, arising from the use of this map. The City of Payette is not liable for any damages, including consequential damages, arising from the use of this map.

Revised October 2008



## **ORDINANCE 1325**

### **AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADOPTING A COMPREHENSIVE PLAN; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPLEALER; ALLOWING FOR PUBLICATION BY SUMMARY.**

Whereas the Payette City Planning and Zoning Commission, with substantial citizen input, has developed a Comprehensive Plan for the City of Payette; and

Whereas as a part of the planning process the City Commission held public meetings and the Payette Planning and Zoning Commission together with the Payette County Planning and Zoning Commission held joint public hearings; and

Whereas the City Council before considering the proposed Comprehensive Plan received the recommendation of the Zoning Commission and has held its own public hearing; and

Whereas the City Council has found it to be in the best interest of the residents of the City and of the landowners in the impact area surrounding the City to adopt the proposed Comprehensive Plan and Map; Therefore

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF PAYETTE, IDAHO;**

Section 1: That the Comprehensive Plan, a copy of which is attached hereto and incorporated hereat as if set out in full verbatim, is adopted as the Comprehensive Plan for the City of Payette, Idaho, and the surrounding impact area.

Section 2: That Comprehensive Plan Map For Future Land Use, a copy of which is attached hereto and incorporated hereat as if set out in full verbatim, is adopted as the Comprehensive Plan Map For Future Land Use in the City of Payette and the impact area which surrounds Payette City.

Section 3: The City hereby adopts the boundaries of the Payette City Impact Area as those boundaries are reflected in the map which is referred to above.

Section 4: Three copies of the Comprehensive Plan shall be kept on file with the City Clerk and shall be made available to the public during regular business hours. The public shall be provided with copies of the Plan, or portions thereof, by paying a copying fee.

Section 5: This Ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Section 6: Any Ordinances or resolutions which are in conflict with this ordinance

are hereby repealed, but only insofar as the conflict exists.

Section 7: If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall constitute Ordinance Number 1325.

Section 8: This Ordinance may be published by summary in accordance with the statues of the State of Idaho.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

CITY OF PAYETTE, IDAHO

by \_\_\_\_\_  
Jeffrey T. Williams, Mayor

ATTEST:

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

State of Idaho                    )  
  ) ss.  
County of Payette                )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year of 2010, personally appeared MARY CORDOVA and JEFFREY T. WILLIAMS, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.

\_\_\_\_\_  
Notary Public for Idaho  
Residing at: \_\_\_\_\_  
Commission expires: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW CHAPTER 67 TO TITLE 9 OF THE PAYETTE CITY CODE; PROHIBITING THE SALE, ADVERTISING, USE, MANUFACTURE AND POSSESSION OF SYNTHETIC CANNABINOIDS, COMMONLY KNOWN AS "SPICE"; AND PROVIDING PENALTIES; PROVIDING REMEDIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO AS FOLLOWS:

SECTION 1: That Title 9 of the Payette City code be amended with the addition of a new Chapter 67, which section shall read as follows:

TITLE 9

CHAPTER 9.67

PROHIBITION OF POSSESSION, SALE, ADVERTISING OR USE OF "SPICE" AND SIMILAR PRODUCTS

SECTIONS:

- 9.67.010: DECLARATION OF PURPOSE
- 9.67.020: DEFINITIONS
- 9-67.030: POSSESSION, USE OR SALE OF SYNTHETIC CANNABINOIDS
- 9.67.040: AFFIRMATIVE DEFENSE
- 9.67.050: SEIZURE OF COMPOUND
- 9.67.060: INJUNCTIVE RELIEF
- 9.67.070: SUBSEQUENT STATE ACTION

- 9.67.010: DECLARATION OF PURPOSE

The City of Payette, Idaho, hereby finds and declares that the products and synthetic substances described hereunder are commonly used as an alternative to marijuana, that the synthetic substances are potentially dangerous to users and that the long term effects are not yet known. The City Council declares that the products which contain these synthetic substances often use a disclaimer that the product is "not for human consumption" to avoid regulations requiring the manufacturer to list the product's active ingredients and that most of these products only list the ingredients of damiana

leaf and mullein leaf extract. The Council further declares that the synthetic substances described hereunder are not yet categorized as illegal controlled substances under State or Federal law, and that it is proper and necessary for the City of Payette to exercise its authority to safeguard and protect the public health and safety. Finally, the Council declares that it is within the policy power of City of Payette, granted by Article XII, Section 2 of the Idaho State Constitution, to legislate the use, possession and sale of synthetic cannabinoids and/or the substances known as "spice" in order to preserve the public's health, safety, and welfare.

9.67.020: DEFINITIONS

For the purpose of this Ordinance, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

9.67.020: A. SYNTHETIC CANNABINOIDS: A synthetic substance with a chemical structure or pharmacological activity similar to tetrahydrocannabinol, also known as THC, which is the main psychoactive substance found in marijuana. For the purpose of this Ordinance, synthetic cannabinoids are more specifically identified as follows:

9.67.020: B. 1-Pentyl-3-(1-naphthoyl)indole, a substance also known as JWH-018;

9.67.020: C. 1-Butyl-3-(1-naphthoyl indole, a substance also known as JWH-073;

9.67.020: D. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, a substance also known as CP 47,497 and its homologues;

9.67.020: E. (dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol), a substance also known as HU-211;

9.67.020: F. Any salt, isomer, analog or homologue of the above mentioned chemicals;

9.67.020: G. Any other known synthetic cannabinoid; or

9.67.020: H. Any similar chemical substances which when inhaled, injected or otherwise ingested are capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system.

9.67.020: I. SPICE: Any herbal or plant material, incense or other substance, regardless of the purpose it is marketed for, or whether it is labeled as unsuitable for human consumption, which contains one or more synthetic cannabinoids or their analogs or homologues.

9.67.020: J. Spice includes products by whatever trade name that are treated, sprayed, or saturated with one or more of the above chemicals identified in Section 2.1. Some currently marketed products containing synthetic cannabinoids identified in Section 2.1 include, but are not limited to: K2, K3, Spice, Black Mamba, Mr. Smiley, Vanilla Voodoo, Rage and Posh.

9.67.020: K. Spice includes any incense or alternative smoking blend product, which contains damiana leaf and/or mullein leaf extract.

9.67.030: POSSESSION, USE OR SALE OF SYNTHETIC CANNABINOIDS. Except as authorized by Title 37 Chapter 27 of the Idaho Code, as amended, it is unlawful for any person or entity, to manufacture, make, compound, mix, distribute, dispense, ingest, use, possess, purchase, attempt to purchase, sell, display for sale, advertise for sale, attempt to sell, give, trade or barter, any one or more of the following chemical compounds and/or substances, known as synthetic cannabinoids, either in their chemical form or as the product commonly known as spice, including their salts, isomers, homologues and salts of their isomers and homologues:

1. Salvia Divinorum or Salvinorum A; all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
2. 1-Pentyl-3-(1-naphthoyl)indole (also known as JWH-018);

3. 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl)phenol (also known as CP-47/497), and the dimethylhexyl, dimethyloctyl and dimethylnonyl homologues of CP-47/497;
5. 1-Butyl-3-(1-naphthoyl)indole (also known as JWH-073);
6. 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole (also known as JWH-200);
7. 1-Pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250);
8. 1-Hexyl-3-(1-naphthoyl)indole (also known as JWH-019);
9. 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398);
10. 1-(3-trifluoromethylphenyl) piperazine (also known as TMPP);
11. Any similar structural analogs of the above chemical compounds;
12. Any other synthetic cannabinoids; and
13. Any commercial products sold as aromatics or incense under the brand names Spice, Black Mamba, K2, Puff, Smoke, Skunk, Pandora Potpourri and Sugar Sticks or other brand names, that have been determined by chemical testing laboratories, law enforcement or other governmental agencies to contain any of the foregoing compounds.

9.67.040: AFFIRMATIVE DEFENSE. It shall be an affirmative defense to prosecution for possession or use of synthetic cannabinoids under this Ordinance that said possession or use is under and pursuant to the direction or prescription of a licensed physician or dentist authorized in the State of Idaho to direct or prescribe such act.

9.67.050: SEIZURE OF COMPOUNDS. If any of the intoxicating chemical compounds prohibited herein are found in the

possession of any person, they may be confiscated and destroyed by law enforcement officials.

9.67.060: INJUNCTIVE RELIEF. The City of Payette shall have the authority to seek an injunction against any person or business violating subsection A. In any action seeking an injunction the City of Payette shall be entitled to collect its enforcement expenses, including reasonable attorney fees incurred at trial and on appeal.

9.67.070: SUBSEQUENT STATE ACTION. If the Idaho State Legislature adopts a statute enacting criminal penalties for prohibitions set forth in this ordinance, then upon the effective date of such state statute, provisions of this ordinance that are addressed by the state statute shall no longer be deemed effective. Any violations of this ordinance committed prior to the Idaho State Legislature enacting such a statute may be prosecuted. To the extent that the provisions within this ordinance are not preempted by state statute, the provisions of this ordinance shall remain valid and in effect.

Section 2: VIOLATION. Any person who is found guilty, or who pleads guilty, of a violation of this Ordinance shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for a period of time not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000.00), or by both.

Section 3: SEVERABILITY. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

Section 4: EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and the publication as provided by law.

PASSED AND APPROVED by the Mayor and City Council this  
\_\_\_\_\_ day of October, 2010.

CITY OF PAYETTE, IDAHO

By: \_\_\_\_\_  
Jeffery T. Williams, Mayor

Attest:

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