

**MINUTES
PAYETTE CITY COUNCIL
REGULAR RESCHEDULED MEETING
February 5, 2007**

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

ROLL CALL

Members Present: Mayor Doug Henderson, Ivan Mussell, Mark Heleker, Vallery Klitch, Lee Nelson, Jeff Williams

Members Absent: Georgia Hanigan was excused

Also Present: Mary Cordova, City Clerk; Jeff Sands, Fire Chief; Randy Schwartz, Wastewater Superintendent; Captain Dave Platt; Street Superintendent Willie Hollis; Chief of Police, Mark Clark; Colleen Bonell, Library Director

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

A motion was made by Councilor Heleker to amend the agenda to include a Toothman-Orton funding item on the agenda under new business, Item C. The motion was seconded by Councilor Mussell.

After a unanimous voice vote, the motion CARRIED.

APPROVAL OF MINUTES

A. 1/16/07 Regular Meeting Minutes

A motion was made by Heleker and seconded by Klitch to approve the public hearing and regular meeting minutes of 1/16/07.

Councilor Klitch noted a change from Delores "Washington" to Delores "Larsen" on page 2.

Hearing no objections, the meeting minutes were APPROVED with the change noted.

APPROVAL OF BILLS & PAYROLL

A motion was made by Nelson and seconded by Williams to approve the City Bills & Payroll in the amount of \$417,344.82.

At the roll call:
Ayes: Mussell, Nelson, Heleker, Williams, Klitch
Nays:

The motion CARRIED.

COMMUNICATIONS

A. Swearing in of New Police Officer John Hunter

Mayor Henderson administered the oath of office to Payette Police Officer John Hunter.

SPECIAL ORDERS

None heard.

PLANNING & ZONING

None heard.

UNFINISHED BUSINESS

A. Appointment of Council Liaison to Library Commission

Mayor Henderson stated he has asked for a volunteer from the City Council to be the liaison to the Library Commission, and no one has responded.

Councilor Klitch nominated Georgia Hanigan to the Library Commission. Nelson seconded the motion.

At the roll call:
Ayes: Heleker, Klitch
Nays: Mussell, Nelson, Williams

The motion FAILED

Councilor Williams volunteered to serve as the library board liaison.

NEW BUSINESS

A. Discussion of Airport Topics

1. Councilman Williams Information

Councilman Williams informed the Council that because of his County Planning & Zoning responsibilities, he sometimes has the opportunity to speak with the County Commissioners. Last week, Rudy Endikrat spoke to him about the airport. Last Tuesday, the Council had a work session and the Mayor suggested that members of the Council and Commissioners meet. Last Thursday at noon, the Mayor, Councilor Hanigan, Councilor Williams, Commissioner Endikrat and Commissioner Shigeta met. The Commissioners pointed out that they too have been providing services to the airport. They stated their annual investment in

our airport has been about ten to fifteen thousand per year as in-kind services. That is close to what the City has been spending for maintenance at the airport.

Williams has read all of the letters to the editor. In Williams' opinion, a valid concern expressed by the opponents of the airport is whose tax dollars is benefiting whom? The county's past contribution to the airport maintenance does shed new light on this subject. From Williams's perspective, it seems like a majority at the informal meeting last Thursday expressed an interest in forming an agreement as to the future cooperative maintenance of the approximate sixty acres that are needed for the future airport operation and expansion as outlined in the 2000 planning study for the Payette Municipal Airport. It is Williams' hope that we can make the airport/golf course controversy be a win-win for all parties concerned. If we can use the airport as an economic development tool that our forefathers intended by forming this cooperative maintenance agreement with the County, he personally felt that the City may have some land next to the airport that might be prime for future development.

Councilor Williams stated that his intention at this point is hopefully the media will report his proposed idea, and the citizens will let the elected officials know if they are in favor of a cooperative agreement between the City and the County.

Councilor Heleker pointed out that we have had some discussion in past years about County involvement. When he was Mayor, he spent quite a bit of time speaking to County Commissioners about the possibility of County involvement. They had even discussed the possibility of a relocation of the airport. When Heleker spoke to members of the airport committee, they pointed out there could be problems with FAA regulations that restrict the movement of an airport. County involvement in the airport is something that has been considered for a long time and could be beneficial.

Councilor Nelson asked how much land does the airport occupy now, and how much will be needed for a flight path. Williams stated that his estimate of 60 acres appears to include the flight path, both ends of the runway, the city hangar and area behind it, and to the back of Vistair.

Councilor Mussell asked Councilor Williams if he had spoke to the Commissioners about ownership of the airport as a county airport. Williams replied that they did talk about it, but it all depends on what effort we are going to put into it. Anyone who looks at the airport right now knows there is some deferred maintenance. Some money needs to be spent to get it up and running to hopefully survive on its own some day. Williams stated that his vision is that the taxpayers should not fund the airport forever. We need to make it attractive so people will invest in the airport. The hangar leases and tie down fees will help support that effort so someday there will be zero tax dollars.

Mayor Henderson noted that the main reason is to get this idea out to the public, and get their feelings on this.

Councilor Heleker asked what the airport committee's reception to this idea is. Dewayne Youngberg stated they would be for it. They just want to put this battle to rest.

Councilor Nelson asked if there had been any further thought to a referendum vote on this subject. Mayor Henderson said he is not opposed to that idea. This is just an option that we are throwing out on the table to see how the public feels about it.

Councilor Williams noted that there were a lot of ideas discussed with the Commissioners. Williams pointed out that the Council is elected to make decisions. By not doing anything for nine more months, that does not give a good example of leadership. If we get all of the information to make a decision on the information presented, if the voters don't like what you do, you'll find out.

2. Hangar Lease

Mayor Henderson stated that the main city hangar has been vacant for a few months. We have held off on renting it out because of the possibility of an alternative use. That need has not come as quickly as we hoped. We are ready to move forward on leasing the hangar. Some items we need to consider is the monthly lease amount, repairs to the hangar doors, the issue of subleasing, and the length of the lease.

Councilor Nelson asked if we lease the hangar, would it be of interest to lease it to a business owner. If we can rent it for a higher amount, we should. Mayor Henderson stated that in a meeting with the airport committee last month, they generally agreed that we can at least double the rent. Regarding subleasing, there was some discussion that we charge a little more and not police the subleasing. Nelson pointed out that he built some storage space last year, and if he could have foregone buying land, he would be farther ahead.

Councilor Williams agreed that if it is an asset, the City needs to get the greatest return on it. If we as a City, or jointly with the County, are going to get behind it and promote the airport, maybe that is a reason to have it airport related. If the lease rate is high enough, maybe individuals may want to build their own hangar.

Councilor Klitch stated that in her mind the fee that is set on the hangar should be at market value. We should encourage people to build their own hangars. Perhaps in the future, the hangar could be used as something else like a restaurant or something else that could be a revenue source for the airport to be self sustaining. Klitch would like to see the hangar be leased out to house airplanes, but also encourage others to build hangars.

Councilor Nelson stated there used to be three airplanes in that hangar. He used to rent space from Jerry Newman, a 12 x 20, and paid eighty dollars a month just for that small space. When we speak of fair market, is it space in general, or hangar space? Klitch stated it is like comparing houses and or storage facilities; you are going to use a market analysis of airports. Klitch continued that she doesn't like to base a decision on what everyone else is doing, but at least it gives us an idea what the ballpark is. We don't want to make it so outrageous that we are not getting some kind of revenue source from that building. She could not imagine anyone wanting a business out there right now with the condition the airport is in. Klitch was not sure that the City should be in the storage business.

Councilor Williams stated that he thinks the \$150 a month figure would be ok to sublease. Mayor Henderson stated that \$150 is a number the airport committee wanted us to consider. The Mayor stated that his feeling is he would just assume to lease it to whoever wants to lease it, and not police it.

Councilor Williams asked what repairs need to be done. Mayor Henderson stated that the doors need fixed. It may not cost a lot. There may be some turnbuckles we can adjust.

Councilor Mussell asked if it is secure in its current condition. Mayor Henderson replied yes.

Councilor Williams asked if there is someone that currently wants to lease it. A man in the audience raised his hand. Mayor Henderson stated that it is obvious that we are still in the middle of discussion of what the future of the airport is, and asked the man if he would be interested in a short term lease until this is settled. The man replied that he has an interest in opening an aircraft maintenance facility in the hangar, and he would be interested in a month to month lease. Dewayne Youngberg stated he has five people interested in leasing the facility.

Councilor Klitch asked that if this something that the administration can handle so they can immediately get started. Mayor Henderson replied yes, that is the way he would like to see it handled.

Councilor Williams moved to lease the hangar for \$150.00 per month, on a month to month lease with administration and legal and lessee approval. The motion was seconded by Klitch.

In discussion, Councilor Nelson pointed out that if we have five people interested, how will we decide what is fair? We should set a minimum because if one person is more interested than another, they will pay a little more.

Councilor Klitch stated that since this is on a month to month basis, we can bring a motion again before the Council to change it to any amount we feel might be necessary to adjust it to. This is simply to give the administration the opportunity to make things happen out there.

At the roll call:
Ayes: Mussell, Nelson, Heleker, Williams, Klitch
Nays:

The motion CARRIED.

B. Rezone and Preliminary Plat Application by Dave Washburn ~ Property Located near NE 17th Ave & US 95

City Clerk Cordova stated that the administration feels strongly that the City should recommend to the County Planning and Zoning that Mr. Washburn complies with City and County ordinance. Today we received a copy of a variance request to the County that he does not have to comply with sidewalks, streetlights, and curbs & gutters. The City would like to take the position that he complies with City and County ordinance.

Rachelle Boyer, 11495 Hill Road, Payette, addressed the Council on behalf of Dave Washburn. Mrs. Boyer stated that they had a meeting with Holladay Engineering, and she has read what they are proposing. Boyer thought there are a lot of facts behind the reason why someone is requesting this that doesn't get addressed in these letters.

Mrs. Boyer continued that 4T Construction is a very large employer. They currently employ fifty people and are looking for more people right now. They are bigger than Idaho Power. Mrs. Boyer said she does not know how many people are working at Seneca right now, but she knew at one time Seneca was under fifty people. Boyer said they are a great business and they want to relocate into Payette. Mrs. Boyer stated that she feels as a small business owner, she has a lot of different

reasons to want growth in Payette. One of them is we need re-circulating revenue, and Dave Washburn is willing to put the money into our community and give us the opportunity for other business to come in.

Mrs. Boyer explained that what the plat is, is only three small acreage parcels. The corner parcel is the yard. Boyer continued that when she says yard, it is not going to be a big, ugly metal building, it will be a nice facility with an office and stone landscaping. He is going to set precedence with what type of development it is going to be. It is going to get more commercial as it develops to 95 if this all goes through. To the side of him, he has both of those on the market for a total of \$180,000. At this time, he has no further plans for development until services are available. He has offered to put in a road with adequate turn around for fire, and he has no problem with in five years or two years or ten years, when City services are available, to tear up his road, and put it in writing.

Mrs. Boyer stated that she has read all of the different things from Holladay. What it comes down to is economics. If it doesn't pencil out, developers are going to go someplace else. Mrs. Boyer continued that she knew there were problems in the past with Vistair and different things, and we are trying to learn from our mistakes. Here we have two gentlemen who are putting a ton of money into our community. They already have with the purchase of the property and their future developments. Boyer stated that she did not think their development on the opposite side of 95 should be even a consideration of how soon, it is such an unknown – how long it is going to take to get those hundred and sixty homes on the property they purchased from Claude Bruce. It could be ten years before the need water down on 17th.

Mrs. Boyer brought up another issue which was stated regarding a traffic issue – that 17th isn't wide enough. For the last eleven years that he has been in this area, he has rented from A to Z Storage on Railroad Lane. Mrs. Boyer stated that she was sure the Council was all aware of the huge problem there. We have residential coming on and off of that road. There has been fatal accidents on that road because of that turnoff right there. The majority of his equipment is already there. Saying that 17th isn't wide enough for the trucks to be coming in and out on a daily basis to her just seemed ridiculous when he has been using Railroad Lane for the last eleven years. Anybody who drives down Highway 95 would say that is a much more dangerous intersection than 17th and 95.

Mrs. Boyer pointed out that when you look at what he has brought to the community, and they are very, very willing to work with – they think there should be City standards, and that people should abide by them when it is economically sensible. And having only two lots on the market for only \$180,000 - \$180,000 doesn't go very far with curb and gutter. Especially when they are willing to rip up their road, at their cost, at any time, to bring it up to City standards.

Councilor Klitch asked for clarification in regards to the location of the property. Fire Chief Sands described the location to Klitch.

Mrs. Boyer said that the engineers at Holladay were talking about all of the different areas that City services could be dropped in, and it's a ridiculous length. And to ask somebody who is in the first phase, and has no idea – they're not even going to think about doing the second phase with the 95 frontage until there are City services. They'll never get their money back out of the land, until there are City services and they have 95 frontage, and it doesn't make sense to do acreage parcels when you have 95 frontage. They tossed around a lot of different ideas, and at that time it would make sense to put the money in to it. Boyer continued that basically what we're going to do is run them out of town, and they're going to go somewhere else.

Mayor Henderson asked Mrs. Boyer if they were willing to sign an agreement that when they are annexed into the City, they are willing to put in sidewalks and a road system. Boyer replied yes, they'll even have the expense of their lawyer draw it up. They are not concerned with the cost of the road as they have platted and introduced to the County and City.

Councilor Williams asked Mrs. Boyer if all they want right now is the three lots. If in fact the other side of the proposed gravel road, they wanted to add some more at that point, even if the City hadn't annexed, they would then bring that road up to County standards? Boyer replied that is not something she as asked them, so she did not feel comfortable answering that. Councilor Williams then asked City Attorney Bert Osborn how does the County have a development agreement for someone to build to City standards. Mr. Osborn replied development agreements generally deal with annexation issues. It will be a contract. County standards are pretty close to City standards, they are very similar.

Councilor Klitch asked how far away City services are. Mrs. Boyer stated they are out far away, the closest is Vistair. Chief Sands clarified that the closest is 7th Avenue North.

Mrs. Boyer stated that when they are annexed in, then they will plat the whole development and proceed; that would make sense economically. At this point there is a need for what they are proposing right now. There is nothing in our market place price wise and size wise, there is not reasonable property for them or that type of property to move in to.

Mayor Henderson asked when they are bordering the City in the future, will they make it part of this contract that they won't oppose annexation. Mrs. Boyer stated that she believed that they would do that. If it is annexed in, and City services are there, great. They will be digging tomorrow. This could bring this whole development to a screeching halt just because it doesn't pencil out.

City Clerk Cordova stated that the City is all for development and we are seeing more development. This proposed subdivision is in the County, in the impact zone of the City. The City tonight is making a recommendation to the County. We still feel strongly that we should recommend to the County that the County and City development requirements are met. The County has a variance before them for this project. There's three lots out there in question right now, and we don't know what's going in those other two lots commercially. We have concerns that not only will 4T create enough traffic there, what about the other two lots. We do not know what is going in there. Since there is no water out there, and each lot is on a private well, again, we don't know what's going to be out there in the future. Right below this subdivision is a line of residences with no water protection there. Chief Sands will be able to address this fire protection issue better.

Chief Sands explained that the best way to put it into perspective is the Middleton school that is fresh in everyone's minds. Growth is great, and he is 110% in support of it. If we don't at least establish some water supply issues with some of the environments we have in the County, when they do catch on fire, they are going to burn down. Chief Sands stated he has no idea of what kind of building they are going to put on there, or what kind of fuel load they will have. Two more beside it will be great income to the County, and great for the work force, but if it catches on fire, and burns Baker Lane down, just be prepared to take the heat for it. If we let it keep coming, and don't do anything for fire protection, it will happen eventually. The County is the ones to enforce the code in the County. We are dealing with this environment of the City growing and pulling those water lines, and the key to that is when a developer is considering a development, that to and through that we talk about with the water supply, we sure want to stay with that concept. It will make the ground more attractive.

Councilman Williams asked Mr. Osborn if we make a recommendation, and down the road it was annexed, can we put any teeth into them developing a fire system after they are annexed and the

buildings are already up? Mr. Osborn replied it would be pretty tough because, usually you are building a fire system during initial construction. Williams stated that part of our recommendation could be that the County ask that they install some type of fire suppression system.

Chief Sands pointed out it would be similar to the development that the County considered a month or so ago north of town. We discussed putting a well in and a fire pump that sustains 1,000 gallons a minute for two hours as part of the development. Those are good investments. It is good for the people surrounding it, and the good for the development itself.

Mrs. Boyer stated that this issue is in Mr. Holladay's letter. We had not gone into any discussion on that. Mainly their big concern is they have the three platted lots, and they would like to develop those. They would like to put their paved road in, but not do curb and gutter until City services are brought down along 17th. We all know that is going to happen, but don't know when. They can't sit on the property with all of those costs when it is not annexed into the City and develop it like a City property when it is not.

Councilor Klitch asked Mrs. Boyer if the business is already set up on 17th. Boyer replied that they have done some improvements, and they have put up a fence around the area that 4T will be using for a yard. They have not moved their equipment into the area yet. Klitch continued that on item number two of the recommendation that the road within the subdivision be public and built to public standards. Klitch stated that in her mind, she did not have an issue with the curb gutter and sidewalk, but wondered why as a contractor go to a little more expense and make sure the road is to City specs since we know eventually it is going to come in. Boyer stated because there is not City services out there and they will have to tear up the road to develop. Boyer explained that Mike Holladay said that the chances for developing a system around everything is impossible. It is going to go through roads. Boyer said that they don't mind if their money is going to be torn up if it goes. But they have a big problem with tearing a road that is built to City standards.

Councilor Klitch stated that it sounds to her like he is already doing work on property that is bordering City limits. Boyer said that part of it is already in the City, and part will be annexed in. The entire first phase will go through only at about twenty houses at a time, one hundred sixty total. To them that is irrelevant. They think it will take five to ten years to get to 17th.

Councilor Klitch said that she cannot imagine anybody investing that kind of money into property and facilities without wanting to work out some kind of option for fire suppression. Mayor Henderson agreed. Boyer stated that these developers are very reasonable men. They are not trying to come in and ruin the property or cause a headache down the road. But it has to pencil out. The developers are in the same business we are all in, to make money. That's why we all show up to work every day.

Councilor Williams said he does not know a lot about what they do, but they contract to put in power lines for Idaho Power. They probably won't have a heavy fuel load, but they are going to sell those other two lots, and who knows what is going in there. The next people may just want to get their building up, and not think ahead about fire suppression. And then, there's a fire. Mr. Williams suggested that the development agreement should have some sort of fire suppression system for the development, which they can add on to for the next ten lots. Mrs. Boyer stated that the CC & R's are going to be recorded with the property.

City Clerk Cordova stated knowing that the County is going to do what they want to do, the staff urges that the City show a consistent front. We just received an annexation for two hundred and fifty lot subdivision which is not yet in the City, but there is a similar situation where there is a road on a

section line which we are requiring to be developed as it states in code. 17th Avenue is on a section line, and we are recommending they develop the road to City standards.

Councilor Heleker moved to send a favorable recommendation on the re-zone and preliminary plat application by Dave Washburn to the County with the stipulations that the property owners finance the development to City standards and consent to annexation when that time arrives, and install an appropriate fire suppression system. The motion was seconded by Councilor Williams.

Councilor Klitch asked if they have to comply with City standards right now. Heleker clarified that they must comply with City standards at the time they are annexed.

Mrs. Boyer stated that they will agree to that and put it in a contract. City Clerk Cordova asked if they would be willing to back it up with a surety bond. Mrs. Boyer replied that it was brought up, Mr. Washburn did not say no, but it would be something they could take into consideration. They really want to be in Payette.

Councilor Klitch asked if there are provisions for drainage. Mrs. Boyer replied that they do not see drainage as a huge issue. Klitch explained that the reason they are asking is for example, we have a private subdivision, with no place to put snow. She is asking because in five or ten years, if it is expected to be developed, it may be an issue. Boyer replied that at this time there is no other development plan. She stated that the County road crew does not want curb and gutter.

Councilor Williams stated that because he is on County P & Z, they are asking for a re-zone and a preliminary plat approval from them. When it gets to the County Commissioners, they have to abide by the same DEQ guidelines as far as runoff not leaving the property.

At the roll call:
Ayes: Mussell, Nelson, Heleker, Williams, Klitch
Nays:

The motion CARRIED.

7th Avenue North Project

Mayor Henderson stated that as we discussed in our work session last week, the current funding for 7th Avenue North project only takes us to 18th Street. Toothman-Orton has completed the project clear to Iowa, which is what we had planned to do before our cost increase. We are asking for authorization to have Toothman-Orton create a separate bid package from 18th Street to Iowa so we don't have to start that over from scratch. We want to fill that hole, even though it won't be completed by the federal project. It doesn't make a lot of sense to have Toothman-Orton re-create this later and charge us even more. We would like to have the Council agree to go up to no more than \$25,000 to make a bid package from 18th Street to Iowa.

Councilor Klitch moved to have Toothman-Orton create a separate bid package for the road widening project from 18th Street to Iowa at a price of not to exceed more than \$25,000.00. Councilor Mussell seconded the motion.

After a unanimous voice vote, the motion CARRIED.

DEPARTMENTAL REPORTS

Written reports were presented to the Council.

CITIZENS COMMENTS

None heard.

MAYOR'S COMMENTS

Mayor Henderson informed the Council of the following:

- Starting this Friday we'll be stricter on enforcing the no parking on Main Street between 2:30 AM and 6:00 AM. It is something we have wanted to do all along, and have not enforced it in the past. The street cleaners come through early on Friday morning to get the streets cleaned. We have had the problem of a lot of people beginning to live upstairs and such, that we have cars on Main Street and the cleaner goes around the same car every time when they clean, so we have a lot of buildup in one area. We are going to print up some flyers and put it out on the utility bills and make it so people know what is going on.
- Observing Main Street over the past few months, and speaking with the business owners, it is obvious that things are picking up on Main Street. We also have a couple of new businesses that will be opening up shortly on Main Street. With this welcome growth, parking has become an issue. Mayor Henderson proposed that we continue to stimulate growth on Main Street, and develop the newly acquired area we call Bancroft Park into a parking lot. We can still use it for events as we have in the past couple of years, but it is a central location and it makes an ideal parking area for Main Street business owners. If you look down Main Street in the middle of the day, you'll notice that every space is taken.
- The next meeting will be on Tuesday the 20th at 7:00 PM due to President's Day.

Chief Sands informed the Council that the Rural Fire Department was recently rated as the City was last year. The last time it was done was 2000. We did gain some classification ratings on it. The Rural was an 8 in the County, and then from 5 miles out to 9.9 miles out was a 9, and 10 miles and out was a 10. There are many things that factor into that such as pumper capacities, and remote water settings on given places. We also cover quite a bit around Fruitland. We went out and GPS'd a lot of the hydrants. Anyone who has a County property within 1,000 feet of a hydrant gets a 5 rating. It makes a big difference, especially in commercial. After five miles it goes to 8, but stays in the 9 category with commercial because of the amount of water most commercial developments take. We have gained by taking hydrants to and through the properties. It will save a lot of County residents on insurance in the next few months. It takes effect on April 1. Things are improving, but when you look at a development like (Washburn's), and put a fire well on there, it actually makes the ground more attractive to the developer. 7th Avenue North is a prime example. We were 4 in the City, and 8 across the street. Now it is going to be a 5 because we have hydrants all the way down 7th Avenue North. If we keep those things in mind when developing down the highway, maybe not right now, but it will make a difference in the future. Good planning and working with the codes does pay off.

Councilor Nelson wanted to bring up a comment. Nelson noted that at the last meeting we had a motion that was made, and then it was amended. We had discussion on the main motion, but didn't get any on the amendment, and had to vote on it right away. Nelson asked City Attorney Osborn what the proper procedure is for that situation. Osborn pointed out that any time you have a motion to amend, you can have discussion on the amendment.

In addition, Councilor Nelson stated that as he was reviewing bills and signing bills, he noticed one of them was for Holladay. It has been a year since we have changed the way we have handled our engineering. Nelson suggested a study on how much we have spent and how much we have been reimbursed by developers, and compare where we are. Mayor Henderson stated that is something we have discussed and plan to have that information available for the budget this year.

ADJOURNMENT

A motion was made by Councilor Heleker and seconded by Councilor Nelson to adjourn.

After a unanimous voice vote, the Council adjourned at 8:05 PM.

Signed this _____ day of _____, 2007.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk