

PUBLIC HEARING

An Annexation Application by Tim and Gene Lancaster, 11428 Scotch Pines Rd., Payette, ID, 83661 for annexation and zone change to B-Residential, contingent upon requested annexation

6:30 PM – Public Hearing

All Council members were present for the Public Hearing. (Councilor Mussell arrived at 6:35 PM)

City Attorney Bert Osborn announced that this was a public hearing scheduled for an application by Tim and Gene Lancaster, 11428 Scotch Pines Rd., Payette, ID, 83661 for annexation and zone change to B-Residential, contingent upon requested annexation. Property to be annexed includes approximately 89 acres at the Northwest corner of Center Avenue and Payette Heights Road, and does include additional property not requested in the application without the owners consent, and is described as following: A parcel of real property situate in Section 35, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, AND an application by Tim and Gene Lancaster, 11428 Scotch Pines Rd., Payette, ID, 83661 for a preliminary plat for Gold Ridge Estates. Property consists of approximately 80 acres and is located near the Northwest corner of Center Avenue and Payette Heights Road

Osborn continued that the purpose of a public hearing is to receive public comment on the issue that the City Council will consider later in a meeting, or at a later meeting concerning the annexation and preliminary plat. This is the time the City Council engages in fact finding. Fact finding means the City Council does not have any answers, and is here to get information. What they want from the applicant and from the people is to get information so they can make an informed decision later on. If you choose to testify this evening, you are invited and welcome to testify. If you have any questions, the City Council will not be answering questions, that is up to the applicant. If there are questions, come forward, speak into the microphone, leave your questions and hopefully when the applicant has the final comment this evening, the applicant will answer some of your questions. If you do choose to testify, you may be asked questions because the City Council wants information. If you choose to testify, come forward, identify yourself, and give your name and address to the City Clerk. Again, address the people on the City Council, as they will be making the decision. No one will be given an individual oath, but all will be testifying under penalty of perjury. Procedure will be that the applicant gets 15 minutes to present his presentation because the burden is on the applicant. If there is someone here who is the spokesperson for the opposition, you will also be given 15 minutes. Everyone else will be given five minutes to speak. If you have a pager, cell phone, or other electronic device, turn it off as it will interfere with people when they are trying to talk. If you do want to testify, there is a sign up sheet. If you are not on the sheet, you will not be allowed to speak. There is a possibility that if this hearing runs over 7:30 PM, the Mayor may instruct that the meeting is continued to 6:30 tomorrow.

Councilor Williams declared a conflict of interest, and did not participate in the public hearing.

Kevin Shoemaker spoke as the engineer representing Gold Ridge Estates. Mr. Shoemaker gave a power point presentation on the Gold Ridge Estates Subdivision. The property is above McCain Middle School and has been previously identified as B Residential, and received a favorable recommendation from the Planning Commission. The developer is

planning on doing a high level, very nice development. They are an Idaho based LLC. This is a 218 lot proposed subdivision. They are putting in several smaller parks with basketball courts and playgrounds. They will have meandering roads, and large lots averaging 11,000 square feet. There will be a decorative entrance, and decorative perimeter fencing.

The master plan was presented so the Council could see what it is proposed to look like at build out. Shoemaker continued that some of the benefits of this development would be providing homes for the City to grow, and help attract businesses. The unemployment in Payette County is very low right now, and we need to attract more people for services and jobs. They are planning on investing as much as seven million dollars in the local community here, and they are using local people, engineers, contractors are doing the demolition work, and they want to spread the work throughout the community. The project will also bring a significant amount of cash revenue too.

Shoemaker presented the master plan and explained that it had been reviewed by the City engineer and staff. The Council packet contains a variation of the master plan. There were some items that Doug & the City staff wanted to see changed. For the most part the general layout is the same. With regards to utilities, the subdivision will be putting in all utilities required of any developer; water, sewer, CATV, phone, natural gas, and electric. There will be no wells and no septic in this development. The City has the utility capacity for this development. According to the Comprehensive Plan, Payette has some excess water capacity. Current capacity is 2.2 million gallons a day and the average use is 1.1 million gallons per day.

Shoemaker continued that at the Planning & Zoning meeting there were some serious concerns heard in the testimony with regards to the drainage going through this area. They had their professional engineer look at the site, and at the culverts under Center Avenue. Those are covered in their plan. Dough Argo required us to go out and do a water check study and determine how it will be handled.

The development is currently planned with four entrances, two off of Center, one off of Payette Heights, and one across the back of the school property. The developer will be improving their half of the road along Center and Payette Heights. There were some concerns during the last meeting of the traffic study. The traffic study was completed by Dobie Engineering, which specialized in traffic studies. He is a professional engineer with that type of background. There were some questions regarding the intersection of Hwy 95 and Center. Lancaster Development has agreed to stripe this intersection.

With regards to an environmental study, there were some concerns with potential wildlife, and the fact that it was a dairy operation before. That is one reason why they are going with City water and sewer for the entire subdivision. If there is well and septic, there would be a concern. The dairy was demolished in compliance with DEQ standards. There has been a wildlife study done in that area before by the McCain Middle school before they built the school. It is on file with DEQ, and no comments were received from DEQ or the Idaho Natural Resources Conservation Service with regards to that potential concern. Councilor Williams declared a conflict of interest and recused himself from any discussion or deliberations.

Councilor Nelson asked where the parks would be. Shoemaker pointed out the proposed parks on the plan, and explained that some parks may act as storage for water runoff.

Charlie Miller read a letter into the record which is attached as Exhibit 1 to these minutes. Osborn asked for any questions for Mr. Miller. None were heard.

Roy Hicks, 2630 Center Avenue, Payette, addressed the Council. Mr. Miller pretty well said it for all of us as far as our concerns. We brought a number of serious questions to the Planning & Zoning Commission, and as Mr. Miller said, none have been answered to our satisfaction. We did not come here to Payette to live in the middle of a big urban sprawl. We have a lifestyle that we guard very jealously. For the record, he would like to submit a copy of the questions they gave to the Planning & Zoning Commission. The letter was marked as Exhibit "A". Osborn asked for any questions for Mr. Hicks. None were heard.

E.J. Bear, 9847 Payette Heights Road, addressed the Council. If anyone read his letter, they would understand he is definitely opposed to this. He does not want to be part of the City. Like Mr. Miller, he was told eight years ago that if the ground was ever sold off, it would probably be one acre lots, which was what he expected to be a good use of the land. Being part of the City and having his taxes double, plus, because he checked with friends at Vistair and that is what happened to their taxes. Their taxes went from \$1200 to \$2500. And for no services. They don't even have snow removal there. Are you going to come out and remove snow at my place, or sand the roads? Can't even take care of the pot hole in Center Avenue for two months now or better. Payette County took care of their pot holes and stuff, but we have a hazard. People cannot drive by safely especially if someone is walking. Now we are going to be part of the City? It makes me feel warm and fuzzy to be part of that safety. I don't mean to be disrespectful, gentlemen, but I am not happy. We are having our road widened on Payette Heights, so he will be losing land. No one has talked to me about proper compensation. Traffic study is a farce. It only took one phone call to ITD to find out that it is the worst company there was to do one. I don't know about you but it doesn't take a college education to figure out fifteen minutes for a PM traffic study is the right way to do it. They had one traffic counter out there, but there is nothing mentioned in that report about it. It was on Payette Heights Road for less than 24 hours. I know I drive that road every morning and every night. I don't want to be a part of the City gentleman, ladies, because I don't see the value. If I wanted to be part of the City, I would move in to City limits. Mr. Mayor, do you want to have 2,000 extra cars by your house every day with your grandchildren playing out in the front yard. That is just by the phony traffic study we had, how many extra cars there will be. It just doesn't seem like a safe environment. Why can't things be done in phases? Grew up in construction and around developers in California, Nevada, and a few of them here. I was a service manager in Boise for an air conditioning company, and it wasn't uncommon for one of them to go broke, quite regularly. The land there right now is all leveraged. I'm able to tell just by public record how much debt. He's using borrowed money. They want to put 7 million in, where's that going to come from. It's a corporation, so he's not going to be hurt personally. No disrespect sir, but I have concerns. If it is going to be a subdivision, it should be one acre and left in the County. That's all I have to say that I can take lightly. Osborn asked for any questions for Mr. Bear none were heard.

Charles Starks, 2597 7th Avenue North, Payette, addressed the Council. Council, Mr. Mayor. I grew up in this City. My father grew up in this City. My grandfather originally started the greenhouse and the dairy that is on this proposed land, I know it very well. Some of the layout on here we've been told, such and the sewers will be gravity flow. It doesn't take a rocket scientist to figure out and drive out there and stand on it, look at his plot. The plot is based on a flat piece of property and this property is not flat. From the section of property from the corner of Hill Road, there is actually a 30 foot rise to get over to where the high school is. They are going to have to put in a pump station, or they are going to have to buy existing

property. This past weekend, a friend of mine who also went to school here, and father went to school with my father, we're long time residents, we were talking about this and how much it has changed through the years. WE came to the conclusion that Payette hasn't changed in the last 40 something years. We had a chance at one time to have Or-Ida right here, City Council turned them down, they built in Ontario. Coke plant tried to build here, City Council turned them down, they built in Fruitland. Our city center has pretty much died. The grocery stores we used to have are gone. Safeway is gone, Smiths is gone now replaced with Albertsons. We have Lonnie's Market. WE used to have five, we now have one if you don't include Jerry's Market. We basically became a bedroom for Ontario. Payette has no infrastructure to support this. The developer stated that they will maintain the roads and bring everything up to standard. We have no snow removal right now, Payette doesn't sand their streets. Most of it is taken care of by the County or ITD. We are now planning this subdivision with 214 or 218 250 depending on who you are talking to at the time; we are told that Payette will not have to add additional employees to the system. No fire department, no police department. I can't see that happening without adding more. Who is going to have to maintain the roads when this is done? The city will and we as taxpayers are. This subdivision alone hinges on several more coming in. We need to step back and look at the other communities around here, Marsing, Star, Eagle, they went through the same problems with developers and it pretty much destroyed the City that was existing there and the people that were living there and had been for a long time. We need to step back, look at this. There is no reason a subdivision can't go out there. There is no one in this room that would disagree that a subdivision shouldn't go out there. However, not in this quantity, not in this layout, and not with the information and studies that are being done. When he approached the city engineer to find out how much we invested in this process, not only the developer himself, but the land the traffic study, the curbs the gutters, who's going to pay to maintain, the watershed down the road. This is something we need to think about ten fifteen twenty years from now. Who is going to pay for the water systems to catch the runoff when they fill up and they will? It is going to be us. The developer won't be anywhere in sight; he's done, he's gone, we've seen that already in Middleton and Star. If we do this, let's do this correctly; let's ask the question why are these traffic studies meeting the minimums. Traffic study says it did an hour study, or what is doesn't say is it was only fifteen minutes.

Bert Osborn stopped Mr. Starks as he ran out of time. Osborn asked for any questions for Mr. Starks. None were heard.

Aaron Sobers, 2855 Center Avenue, Payette, addressed the Council. Most of the things he wanted to talk about have already been addressed by his neighbors and friends. There are some things that do concern me quite a bit. One is when I moved here, I moved to retire here to this community. I moved from Boise. I was told by a realtor, and told by other friends, I went down to the County and asked the same question, 'what's going on out here' and they told me these lots were going to be one acre up to five acres. Then he went to the City and they said they hadn't heard anything about this, and that made my mind up. This was the place I want to live. It has to have a country atmosphere. Yes, I know there would be subdivision, but I could tolerate one acre or larger houses around me. Right now there are going to be two story houses. I have a beautiful view out there. I paid for this view and I hope you guys will help us. We were here first, and I'm asking for these lots to be built single story low roof line. Its like going to a theatre, you pay for good seats, and you want a good view, and a cowboy comes in with his big hat and sits in front of you. He won't take it off, management won't make him take it off, so you pay good money, and you can't enjoy the scenery or show that you paid for. I think you do have some grandfather rights especially some of these sections. Other sections where other houses are not there, maybe it is not so bad there. But for us, yes it is bad. WE

have a view of the mountains, and I don't want a roof blocking my view. I really hope you will help us on this. Like I said there have been a lot of questions that have gone unanswered. I don't know if this is appropriate or not, but I would like to have another meeting, a town hall meeting with questions and answers. We ask you things, but we do not know your thoughts or what is going on. I feel like we are out in the cold here. Please help us. Mr. Sobers had a letter he wanted entered in to the record. City Attorney Osborn stated he will mark it as exhibit D. No other questions were heard for Mr. Sobers.

Tracy Brechibel, 2833 Center Avenue, Payette, read aloud a letter attached hereto as Exhibit E and provided a copy of storm water information attached as Exhibit D. No other questions were heard for Mrs. Brechibel.

Suzanne Orwig, 2672 Center Avenue Payette, had a few concerns I want to make sure you consider. I have some serious concerns about the state of the roads, and not only the roads but the sidewalks in Payette. I do a lot of walking in Payette, and they are not very many sidewalks where you are safe to walk without keeping an eye on your feet. The sidewalks are in terrible condition. It is a responsibility of the homeowner to take care of the sidewalks, but the city ordinance people should be citing people whose sidewalks are not in good condition. When sidewalks are not in good condition and people fall and hurt themselves, the City does put themselves, as far as I can understand at a risk of being negligent for taking care of those. We cannot maintain the ordinance officer apparently enough to take care of the sidewalks; we are not taking care of the streets in Payette. We have dust issues across the street where the school is leveling ground for the ball fields, there is dust. Everyone keeps saying yes, yes we will have dust abatement trucks out there, and there are not dust abatement trucks out there. That is also in ordinance and there is no one to enforce that. I have some concerns about the growth in the schools but also the funding in the schools when they originally saw the Gold Ridge Estates original presentation it was less than \$1000 per house hold would go toward the maintenance of the schools. When I did some research on the internet, in Payette the average cost of a school teacher is about \$42,000 and that includes wages and benefits. Adding about 200 more students to the mix would increase those costs. So the \$900 per household per year is not enough to support what they are putting in to our system. I have some issues about the traffic study where they said striping would be needed at Center Avenue and Highway 95. Striping will not stop the cross traffic. It will not in any way ease our efforts to cross at that corner. I'm not sure how you would mitigate a traffic issue. I know that the engineer that there were some traffic concerns and I would like to know the answer to that question. When we talk about houses running between \$300,000 and \$500,000 per house, we know that those people are not working in the Payette County area. They are not supporting those houses on the wages that are paid here and most industries. That means that they will be working out of town. That does not in my mind and in many other minds, lead to economic growth. When you live out of town, you do your grocery shopping out of town. I have worked out of town, before I came home, I wanted to do my grocery shopping if I had dry cleaning I had to take care of my dry cleaning, I bought my gas out of town, I had car repairs done out of town. Every service that I needed, needed to be done out of town because it needed to be done between 9 and 5. And I worked 9 to 5, so I was consuming services in the city area, yet I was not contributing to the city economy in any way. In addition, if this is annexed and people in the area do have to pay property taxes it was my understanding from an informational meeting that we had last week that the people in Vistair had a one year forbearance for paying city taxes, I would like to see that for this development as well. The people that are in the city, the homeowners that are already there, that do not have city services available to them, I would like them not to have to pay city taxes until the city taxes are available to them. No other questions were heard for Ms. Orwig.

Tim Lancaster – We want to let the City Council know that we are planning on doing a very nice upper end subdivision here. We have invested a lot of money in the City of Payette. We did extensive research throughout Idaho. WE looked at Fruitland, Middleton and other communities before choosing Payette. We chose Payette based on several factors; the availability of city services to do this development, the fact that the city council is looking to grow the city and make intelligent smart planning decisions around planned growth. We want to see the city prosper and this development bring good things to the City of Payette. No other questions were heard for Mr. Lancaster.

Councilor Klitch had questions for Mr. Shoemaker. She heard several times the individual concerns being annexed into the city and paying taxes for services that they are not going to receive. Please elaborate on that. Shoemaker stated that was something that was brought up at the P & Z meeting and talked about with the city staff. Mr. Lancaster has agreed to run individual water and sewer lines to the edge of the lots as he develops and gets to that area. With regards to the other services, Mr. Lancaster will put in storm water mitigation, curb, gutter & sidewalk in front of their homes. Councilor Klitch said that she has heard twice that some of their property is going to be taken, will it be taken because we can or will there be some reciprocation. Shoemaker stated that it is in the City's master plan for that street to be that size, Mr. Lancaster is offering the paving to get that done but do not plan to purchase that property. Argo stated that acquisition of the property is undetermined. Councilor Klitch asked if the developer will install curb, gutter and sidewalk. Shoemaker stated the developer will install that for the existing property owners. Klitch then stated that the only services they won't be getting is water & sewer, as those are enterprise funds, and not generated out of tax dollars. They will be receiving all of the same city services which is the exception Argo stated that they would not be paying for the services until they are available and hooked up to them. The lines in the proposed annexation, the developer is going to stub out water and sewer lines to the existing owners property lines, and have a meter box set there all ready for a meter to be plugged in at such time in the future as they need to hook up to it. We also propose that hook up not be required unless one or both of their systems fail.

Shoemaker stated that in regards to Charlie Miller, and wanting to have one lot per acre, it is in the City's Comprehensive Plan as B-Residential, and it is also in the proposed annexation agreement that it be zoned A rather than B, which is the larger lots. Instead of the 6,000 square foot minimum they will be 8,000 square foot minimum. That is something that has been discussed with city staff to help mitigate some of those concerns. With regards to dust, a subdivision is supposed to have a dust mitigation plan. That was one thing the City has requested to see. The contractor who was awarded the contract would have to have that as part of their work they are getting paid for; they would have to have a water truck out there watering down the ground. As far as enforcement of the ordinances, Shoemaker did not know but assumed the developer would on site regularly. They want to do a quality job and not wanting to cut corners. As far as the traffic study, if people don't believe that Mr. Dobie is doing a good job, someone should file a complaint against him. There are procedures for anyone who has a P.E. license, and if they are negligent or don't do a good job, someone could file a complaint. There are also traffic engineers that work for Holladay Engineering that will be reviewing it to make sure it is not a farce. Comprehensive plan calls for the property to be used the way the Lancaster's are asking for it to be used. It is not bad land use planning, nor is it a huge surprise based on the City's Comp Plan.

Mr. Starks had some comments about gravity flow; he's right there will be deep trenches. But that again is part of the contractors work. They are going to put in 20 -24 foot trenches in order not to put in a lift station out there. That has already been discussed with a couple of contractors. He mentioned the number of businesses that have been turned down in the last forty years, and we hope you don't turn this down because it will be good business for Payette. Maintaining the city streets and storm water systems. That is something that you will have with all development. Sand and grease traps take maintenance and is something the City does now with any development.

Councilor Heleker asked you don't believe it will be necessary to put in a lift station. Shoemaker replied not at this time, we don't. Heleker said when you say it was renegotiated to 8,000 sq ft lots; what are the sizes we are looking at now. Shoemaker said that the average lot size right now is 11,000 square feet. What we were proposing was to let preliminary plan go through, and make changes to the master plan to go to the larger lots. The big issue was the size of the corner lots.

Councilor Heleker stated that a couple of people have mentioned that they purchased property for view purposes. Are all of these homes scheduled to be 2 story homes and if not, if there were some one stories planned, could they be placed in strategic areas so as not to block the views out there. Shoemaker replied that the Lancasters are not planning on being the builders, they are just developing it, but there will be some CC & R's because they want it to remain a high class subdivision. Whether they could limit the area to have 2 story versus 1 story, we can't answer that.

Councilor Klitch asked about irrigation, how are they going to irrigate. Shoemaker replied that there is an existing irrigation well which could be used and they also have shares from the ditch. There will be a separate pressurized irrigation using surface water rights. Councilor Klitch asked who belongs to what pieces of property that are not in the plat. She knows where the Bears live and the Millers live. What are we talking geographically? It was pointed out where the residences are located around the subdivision.

Councilor Nelson asked what kind of timing on phases are they thinking of having if this goes through. Shoemaker replied that it may be more than eight years as this goes through to Payette Heights. A lot of that depends on economic conditions.

Councilor Heleker asked Tim Lancaster about the height restrictions and view, and now they will be blocked by a two story house. Are these all 2 story homes, and if not, can the 1 story homes be located such as not to block the views of the existing homes. Lancaster replied that they are going to be architecturally controlling the entire subdivision. It will be a mixed population of single story and two story homes. What ultimately gets built out is going to be determined by the individual custom home buildings that sign up to build in this development. Their plan is to market directly to custom home builders in the area and have them contract to build 3 to 5 homes at a time. Those builders will build homes that they have experience building, and that they have been successful selling. It will really be determined by the builders. Heleker stated that for these people who have built homes for the view, there is a chance that it may be a one story versus a two story. Lancaster stated it is not their intention to architecturally mandate all 2 story homes. Heleker asked what can be done so that these homeowners can be rest assured that they won't lose their view. Lancaster replied that quite frankly, we're probably going to architecturally control roof pitches and ensure that they are not flat because typically the higher end homes have a higher pitched roof. We don't want to limit the builders on building high end residences to accommodate view. Heleker asked even if

it was just a case of four or five homes. Lancaster said that is certainly something that they would be open to doing, possibly mandating some of the lots be built as one story.

No other public testimony was heard regarding this issue.

City Attorney Osborn opened a public hearing for a preliminary plat application by Garold Maxfield, 1920 S. Mayflower Way, Boise, 83709. The property is described as Lot 1 of Sweet Briar Subdivision, located at 1481 7th Avenue North, Payette. The property is zoned A-Residential

Walt Neitz, ALS, Middleton, spoke on behalf of Mr. Maxfield. You know the current Cottages location. Mr. Maxfield wants to divide that lot and plans in the future to place another Cottages building on the new lot. During the staff meeting, there was some questions regarding parking, and it was changed to diagonal parking, and traffic flow was re-routed from 7th Avenue North to 15th. There was a concern that the design for 7th Avenue North had a drainage pond which when Mr. Maxfield constructed his current building, there was a small sink on the southwest corner. He was told at the beginning of the project there would be one there about the same size. About a month or so ago, we got the new plan, and it showed it coming up to where the building would be. We talked to the appraiser and have come up with two alternatives, neither one of which has been finalized or agreed to by Mr. Maxfield. One of them was to turn the drainage 90 degrees, and the other was to run a drain line along the building and place the drainage in the back lot. I'm sure it can be worked out. Mr. Maxfield is not objecting to it, we just want something to work with his property.

Councilor Williams asked if Mr. Maxfield owns the lot behind the alternate drain site to the north. Neitz replied yes. Williams asked if the existing curb on the street on the preliminary plat where it will be. Neitz replied that the curb and gutter was placed in the position for the ROW on that side.

Garold Maxfield, 1920 S. Mayflower Way, Boise, stated that the reason he is here is to address the issue of this widening of 7th, it is something that was discussed at the time we built our first building. Our plans are to eventually have 3 of the Cottages at that site. The placement of the sidewalk and curb and gutter was based on the widening of 7th. Within the last two or three weeks, or a month, he was informed that they wanted to use the area where he already has an unimproved drainage, which is planned for landscaping. The proposed one will not leave him a front yard. If you are familiar with the existing building, we spent a lot of money on landscaping. I do not want a drainage pond as a front yard for aesthetic and safety reasons. So, that is an issue that we can work out by placing it behind. He will not be building the second Cottages yet, but probably will be next year, is he does have a bank loan on the first project, and doing some refinancing the banks are involved. Obviously at such time we propose to construct the building, we will be applying for a building permit.

Councilor Heleker asked if there could be 3 such buildings, if we do move the drainage back to lot 1, will there be sufficient drainage for both properties at that point if a third building is put in. Maxfield said there would be, the second building would be on 7th, and the third building would be behind on lot one, and what he'll have to do is move it a little more to the east than he had originally planned. But he has plenty of room to do what is proposed there.

No other public comments were heard on this issue.

City Attorney Osborn concluded the public hearing and turned the meeting over to the Mayor.

Mayor Henderson called for a short break at 7:40 PM. He cautioned those in attendance that it would not be appropriate to address the Council regarding the issues in the public hearing during this break.

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
April 16, 2007**

A regular meeting of the Payette City Council was called to order at 7:50 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, Georgia Hanigan

Members Absent: None.

Also Present: Mary Cordova, City Clerk; Jeff Sands, Fire Chief; Kellie McCombs, City
Treasurer; Street Superintendent Willie Hollis; WWTP Superintendent Randy
Schwartz; Captain Dave Platt; City Attorney Bert Osborn; Police Chief Mark
Clark; City Engineer, Doug Argo

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

APPROVAL OF MINUTES

A. 4/02/07 Regular Meeting Minutes

A motion was made by Heleker and seconded by Mussell to approve the regular meeting minutes of 4/02/07.

Councilor Hanigan noted that she did not approve bills & payroll as she was not present at the last Council meeting.

Councilor Klitch noted that on page 3, in the bottom paragraph it contained a mis-statement.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Hanigan and seconded by Williams to approve the City Bills & Payroll in the amount of \$281,154.26

At the roll call:

Ayes: Mussell, Nelson, Heleker, Klitch, Hanigan, Williams

Nays:

The motion CARRIED.

COMMUNICATIONS

No comments heard.

SPECIAL ORDERS

None heard.

PLANNING & ZONING

None heard.

UNFINISHED BUSINESS

None heard.

NEW BUSINESS

A. Elizabeth Long

RE: Update on “Y” Beautification Project

Mrs. Long informed the Council that they are presently working on the “Y” coming in from Fruitland to Payette. Long continued that right now they are in the planting process. Our next planting date is May 15. We are spreading it out a little further is because of the rocks. Councilor Williams asked when it all will be done. Long replied as soon as we get the water done, we can get the planting done, it could be by the end of July.

B. Brandi Mack

RE: Request for Support for Meth Awareness for Youth – MAY

Brandi Mack, 124 S. Main Street, stated she does a Meth Awareness for Youth, or MAY, program. It is directed toward Payette County, but is looking forward going in all of southwestern Idaho Counties within the next two years. Just in Payette County alone, she has funded the project. It is expensive to pay for the flyers and banners. She is asking for support to help get out flyers, banners. Her team of five all pay for their own shirts. Her first program was held early March last year, and at a program held November 15 at Payette High School, 450 kids showed up thanks to Mr. Heleker. The next program in Payette will be November 14, then one in New Plymouth and Fruitland. She is planning on contacting Weiser, Ontario, Parma, Nyssa, & Vale. The support would be for posters, banners, brochures, which she would like to hand out to every kid at the program. She is going to go to the Cities of New Plymouth and Fruitland and ask for their support.

Councilor Williams asked what kind of annual budget is needed for the program. Ms. Mack did not know. She added that last year the paper helped with advertising and copying. Payette School District volunteered their student government class to post over four hundred fliers to businesses around Payette. She did not have a budget number yet. Williams asked if it is \$500 or \$5,000, and Mack replied \$500. She hopes to go national in five to ten years. Mayor

Henderson asked if \$500 would come from each City, and Mack replied yes. Councilor Klitch asked if this program was under another umbrella organization. Mack stated no. Councilor Williams asked if she was a 501c3 corporation, to which Mack stated no.

Councilor Klitch asked that Mack be more specific on the flyers, for example, it would be much more explainable if we were to purchase the flyers directly from the City and then provide them to you versus give you the cash. Mack replied that she will have a banner for each school she goes to that will be specific to their school colors. Councilor Klitch noted that if you are just handing out color flyers, that is something we can do at City Hall, or if you are purchasing, that is something the City can also do and provide them to you versus just giving out the money; we have to be accountable to the tax payers. Mayor Henderson asked how soon she would need the funds. He suggested she come back to the Council with better numbers. Payette County produced the flyers and would fund her too.

Councilor Heleker asked if she had spoken to Susie Rankin at the School District, as there is a lot of money allocated to drug prevention programs. Councilor Klitch suggested a proclamation, is there anything like that in the works to make it more city affiliated. Mayor Henderson stated he will work with Brandy on that. Councilor Klitch stated she is supportive of what she is doing, but needs to be fiscally responsible.

**C. Tumbleweed Development Group, LLC.
RE: Request for Early Building Permits on Phase II
In Two Rivers Estates**

Stan Clements, 948 Ash Lane, Payette, identified himself as the managing member of Tumbleweed Development Group. They have the Two Rivers Estates development project that is under construction as we speak. He has some lots pre sold there and have some people who want to start building before the project is completed. Estimated completion date is mid June to late June. Clements continued that he talked to some City guys about it, and he knows that the City Engineer was lukewarm about it because he was concerned about fire protection during the construction phase. We talked to Jeff Sands about it and he said he does not have a problem with it because they have existing fire hydrants near there, and they have plenty of line so that if a house caught fire during construction phase they thought they could get to it alright. That is the biggest concern he has heard.

Clements stated that they are building 24 lots and would like early building permits on eight. Chief Sands noted that his statement was a little bit different. The hydrant referred to was the one that was in the middle of the road and whether they need to move it out of the way or leave it. What was said is it is fine to take it out and not put it in because the hydrants that are on NE 16th Avenue are within 1,000 feet of the structures, so it wouldn't cause a problem. . When you start dealing interiorly with those lots, with the roads being torn up, if there is a trench for sewer and water in those roads in June or July, depends on weather and how tall the weeds are. We went through it on the Lancaster property last year, and that could have been a big catastrophe. Chief Sands asked the Council keep that in mind. He did not know which lots he is wanting to sell, if it is one right off of a corner of a piece of property where the pavement ends, that should be fine. But someone would have to provide a guarantee that the road won't be torn up and it won't be raining for 60 days when the contractor gets a building permit and expects him to put his home under construction out, and we can't get to it, he will not take the heat for it. We put subdivisions in with roads, curbs, gutters & pavement for the purpose of providing that service to them. That is the Council's decision, but if he can't get to it, he will not be responsible.

Doug Argo pointed out that by state code we cannot allow a building permit to be issued without water and sewer available to the property. That has to be done per state law. The Council cannot waive that. We did not allow Mr. Uehlin to do this, and he had water, curb and pavement. This may be giving an unfair business preference. Mr. Clements stated what we are trying to do is just a help couple of guys get their houses started. We're not trying to build a whole subdivision. Where we are trying to do it is right at the end of the road, it is basically those 4 lots on that intersection. We asked for 8 but we'll take 4. We're not asking for much. Clements continued that he knows it is the City Engineers job to protect the City's interest, but it is not his job to set policy, which he tries to do in many cases.

Councilor Klitch asked for recommendation from administration. City Clerk Cordova stated that staff does not recommend that the Council grant this. It is the City policy/code to not allow this to happen. It is also Code to not allow lots to be sold prior to the infrastructure in place. However, tonight before the Council, we have recommended a change to the ordinance which will allow lots to be sold prior to complete infrastructure, as long as there is a bond in place. We thought that would be a good way to get cash flow going for the developer. However, we do not recommend that building permits be issued for a variety of reasons, including state code. But if we are going to do it for one, we need to do it for all.

Councilor Nelson asked if we have allowed this in the past. Mayor Henderson said yes, on Phase 1.

A motion was made by Nelson and seconded by Williams to allow Tumbleweed Development to have six building permits which border a hard surface, and meet state code requirements.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Williams, Hanigan, Klitch

Nays:

The motion CARRIED.

D. An application by Tim and Gene Lancaster, 11428 Scotch Pines Rd., Payette, ID, 83661 for annexation and zone change to A-Residential, contingent upon requested annexation. Property to be annexed includes approximately 89 acres at the Northwest corner of Center Avenue and Payette Heights Road, and does include additional property not requested in the application without the owners consent

Councilor Nelson asked how objectionable would they be to placing something in the CC&R's regarding protecting the views of the owners already out there. Tim Lancaster replied that his real concern is how he can limit the scope of this. Any of the lots out there can potentially block the view of something. Basically, there are no rights on vistas unless you own the property. If someone wants a view of the middle school, any lot could block that view. He did not know how he could limit that. Councilor Nelson stated that is something the Council could do. A one story would lessen the impact. Councilor Heleker asked if contiguous lots be a possibility. Lancaster was ok with that, but was concerned that a single area could conceivably be built with one story homes, and not flow with the rest of the development. He could not guarantee that throughout the entire development. Lancaster was concerned with

the types of homes that builders want to construct. They are doing very large lots, and the houses will not be put so close together that they will block views. The recommendation from planning & zoning was that the development be zoned B-Residential, and they were amenable and worked with the city to change it to an A-Residential zone and show the neighbors in the surrounding area that they are not going to do a high density development. They are working hard to keeping it open.

Councilor Klitch stated that she wished that the public hearing was on a different night than the final decision. There is too much information to take in, and too important of a decision. In addition, Klitch continued that taxes are an issue, and she does not believe that taxes are a good thing. The truth is, people who live in the County do receive city services; they travel on our roads to go to the grocery stores, use and pay fees for our library and pool, and use our roads to travel to other places, and they pay a County tax. She is not aware of any grocery stores in the County. There is no police department in the County, other than the sheriff's office. There is not a County fire department; we have a very adequate rural department. The truth is people feel like they are not receiving services Most of the burden of the infrastructure is left to the City. When we are considering annexation, her personal feeling is taxes are an issue. But for someone to say they aren't getting anything isn't totally true; they are already getting it without paying the taxes. In essence, the City taxpayer subsidizes those who live in the County.

Klitch continued that she also listened to the testimony and concerns were twofold; and sadly Lancaster will be saddled with problems that have been around for a long time. That is a message to us as a Council for us to take a closer look at our current funding, and what we do with our roads and our streets. The other issue she is pleased to hear there will be stubs available. There will be three homes profoundly impacted almost immediately. She was not sure the City Council should be regulating construction. At what point of time when that is sold, when you live in an impact area, you have to know that in some point in time you will be annexed. She learned that realtors are like recruiters, you need to check and make sure they are absolutely accurate. Bigger lots sound nice, but on the flip side she is worried about the infrastructure. She has not heard any testimony from the school district, fire department, police department, or street department. She wanted to know how this will impact us as a whole.

Doug Argo asked the developer to explain their irrigation. Tim Lancaster stated they have a 12 inch irrigation line that runs from the ditch. They will have a separate pressurized irrigation system using water from the ditch.

Councilor Heleker stated he heard several times that we have enough man power, and would not have to increase our forces. Is that a true statement? Chief Mark Clark stated they are already seeing a little increased activity from the Vistair Annexation. This would be nothing we cannot handle at this time, but eventually, when the homes are built out, it could affect us then. Some cities have an ordinance in place to hire a new officer when the population increases by a certain increment of residents.

Fire Chief Jeff Sands stated that how it will affect us it is hard to say. Everything is going to change. As far as protection it doesn't. We are very lucky to have our Fire Department set up the way it is. We will be able to provide good service. We haven't seen this type of growth before, and everyone is in a panic. No one wants it in their backyard. But on the same token we are all friends and we love this community. We just have to watch and see. Are we going to have to buy another school or maybe it puts 300 people back to work? It is a give and take

thing. Our call volumes are steadily increasing, and Chief Clark has more accidents and citations. The whole thing is a big picture with the growth in this area, and he did not believe we can get out of that.

Councilor Klitch asked if there is a phasing plan in this. It does not make any sense to annex in the Bears & Millers if it takes 5 years to get the phase done. Lancaster replied that he believes it will take about five years to build out. Klitch asked if we have to annex the entire area. Mayor Henderson stated that we could potentially go through this five more times, and in that case, we would want the homeowners to agree that they would not object to the annexation. We have already had preliminary contact with the people on the east and the south of this property who also want to be annexed for development. Leaving out certain portions would create a dispatch nightmare as far as jurisdiction. Chief Sands agreed.

Councilor Klitch threw out the possibility that we annex them when the development begins, then they could be annexed. Klitch asked if anyone addressed the issue of the taking of property for right of way. Doug Argo replied that has not been determined at this time, and could likely address this in the preliminary plat stage. City Attorney Osborn stated it may not be a big issue at this time as we have not had the road surveyed, and we don't know what is out there at this point.

E. Ordinance 1275 AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTH OF CENTER AVENUE, WEST OF IOWA AVENUE, EAST OF PAYETTE HEIGHTS ROAD AND SOUTH OF SEVENTH AVENUE NORTH, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", ALL SITUATED IN PAYETTE COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE COPROPRATE CITY LIMITS; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LAND AS B-RESIDENTIAL; DESIGNATING THAT PROPERTY DESCRIBED IN EXHIBITS A AND B AS A CATEGORY B ANNEXATION; MAKING CERTAIN FINDINGS IN THE OFFICIAL MINUTES OF THE CITY CLERK; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE PAYETTE COUNTY ASSESSOR, THE PAYETTE COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION BY SUMMARY.

~ First Reading

AND Annexation Agreement

Nelson moved and Klitch seconded a motion to introduce Ordinance 1275 by title only.

After a unanimous voice vote, with Williams abstaining, the motion CARRIED, and City Attorney Osborn read Ordinance 1275 by title only.

A motion was made by Councilor Hanigan and seconded by Nelson to approve the Annexation Agreement as written.

In discussion, Tim Lancaster asked if the \$500 per lot for water could be excluded as it was part of an annexation ordinance that failed. It was determined the \$500 per lot fee would remain.

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

The motion CARRIED.

In discussion regarding the ordinance, Councilor Klitch asked if there is anything that can be done for the two lots which may not see development for potentially 10 years. She could see why the three properties on Center need to be annexed. Nelson asked if there is something we can do similar to Vistair, where they are annexed, but the effective date would be later.

A motion to amend Ordinance 1275 was made by Klitch and seconded by Mussell excluding the two properties on the northeast and southeast corners until any development is within 150 feet, or approval of the adjacent final plat or five years, whichever comes first.

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

The motion to amend CARRIED.

A motion was made by Heleker and seconded by Nelson to suspend the rules and do pass on the first reading.

After a unanimous voice vote, the motion CARRIED.

A motion was made by Hanigan and seconded by Heleker that Ordinance 1275 do pass.

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

The motion CARRIED.

F. An application by Tim and Gene Lancaster, 11428 Scotch Pines Rd., Payette, ID, 83661 for a preliminary plat for Gold Ridge Estates

A motion was made by Heleker and seconded by Nelson to approve the preliminary plat as presented and variance for Gold Ridge Estates.

City Clerk Cordova pointed out as part of the preliminary plat, there is a variance request for the interior roads to be 50' versus 60'. In addition, Cordova explained that after listening to the concerned citizens, and the developer agreed to comply with A-Residential lot sizes for the rest of the area, the Council approve the preliminary plat as presented. Some of the lot sizes do not meet an A-Residential requirement

City Engineer Argo saw no problem with the variance as the road width would be the same, and the setbacks would be the same.

Councilor Nelson asked that the Developer give consideration to the existing homeowners views. Lancaster replied they would.

At the roll call:

Ayes: Mussell, Nelson, Heleker, Hanigan, Klitch

Nays:

Abstain: Williams

The motion CARRIED.

G. A preliminary plat application by Garold Maxfield, 1920 S. Mayflower Way, Boise, 83709. The property is described as Lot 1 of Sweet Briar Subdivision, located at 1481 7th Avenue North, Payette

It seems to me that we have other phases to go through past this, so that if things are not what we feel is adequate for the City, we can reject the final plat. Klitch clarified that if we approved this based on the final approval of the City Engineer, and they come back with something that is not going to work, we can decline the final plat. Argo agreed, but did not foresee that happening. It will not dramatically change the plan.

A motion was made by Klitch and seconded by Heleker to approve the preliminary plat application by Garold Maxfield conditional on approval of drainage by the City Engineer.

After a unanimous voice vote, the motion CARRIED.

H. Application for Beer License ~ Maverik Country Store

A motion was made by Mussell and seconded by Williams to approve the Application for Beer License by Maverik Country Store.

After a unanimous voice vote, the motion CARRIED.

I. Ordinance 1276 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 16.16.020 (B), and 16.28.020 (C)(1), OF THE PAYETTE MUNICIPAL CODE TO ALLOW LOTS TO BE SOLD PRIOR TO THE COMPLETION OF ALL PUBLIC IMPROVEMENTS; SETTING AN EFFECTIVE DATE;

**ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER;
ESTABLISHING A PENALTY.**

~First Reading

Williams moved and Hanigan seconded a motion to introduce Ordinance 1276 by title only.

After a unanimous voice vote, the motion CARRIED, and City Attorney Osborn read Ordinance 1276 by title only.

Mayor Henderson stated that what this essentially does is let the developers sell their lots before the improvements are in, but does not let them have building permits prior to improvements.

Heleker moved and Nelson seconded a motion to suspend the rules and pass Ordinance 1276 on its first reading.

After a unanimous voice vote, the motion CARRIED.

Heleker moved and Mussell seconded a motion that Ordinance 1276 do pass.

After a unanimous voice vote, the motion CARRIED.

J. Ordinance 1277 – AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 12.16.030, OF THE PAYETTE MUNICIPAL CODE TO ALLOW PUBLIC PARKS TO BE CLOSED TO THE PUBLIC BETWEEN DUSK AND DAWN; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY.

~First Reading

Klitch moved and Williams seconded a motion to introduce Ordinance 1277 by title only.

After a unanimous voice vote, the motion CARRIED, and City Attorney Osborn read Ordinance 1276 by title only.

Mayor Henderson explained that this ordinance is sponsored by our police department. They see no reason for people be in our parks during the night, and would like to see us change the hours from dusk to dawn.

Klitch moved and Williams seconded a motion to suspend the rules and pass Ordinance 1277 on its first reading.

In discussion, Councilor Hanigan asked if there is a provision in her to provide for special occasions. Mayor Henderson replied yes.

After a unanimous voice vote, the motion
CARRIED.

Hanigan moved and Williams seconded a motion
that Ordinance 1277 do pass.

After a unanimous voice vote, the motion
CARRIED.

K. Cooperative Agreement Between the City of Payette and Payette County for Fiscal Contributions to the Payette Municipal Airport

Mayor Henderson explained that two weeks ago, he went in front of the County Commissioners and asked them to help the City with the financial needs of the airport. We agreed in principle to the Agreement in front of the Council tonight. Mayor Henderson asked for approval of the Agreement, and he will take it to the Commissioners for their approval. Councilor Williams asked that that because of turf wars in that part of the world recently, should we define what the area of the airport is. Mayor Henderson said he is having a separate discussion with the airport board regarding future expansion, and we want to mark those areas off, but it is being taken care of as a separate issue.

Councilor Williams added that Frazier gave him a copy of the airport master plan two months ago, and it lined out what improvement would be made to the airport, are we going to enter into some type of agreement as to what we are going to do. Mayor Henderson stated that he did not think we could plan improvements past the next election, and that is why we do have a master plan, to move forth with those improvements. Williams stated his concern is that he does not believe that the City or any government should be in the business of funding something forever. We need to get this to the point that it will function on its own, and hopefully someday it will not be a taxpayer funded entity.

Councilor Nelson said he did not disagree with the Agreement, other than City taxpayers will be taxed twice because they are also County taxpayers. And, there should be a clause where if either party decides to back out of this agreement, they can give a time frame for notice. City Attorney Osborn stated he did not put that in because what we are doing in funding, which is a year by year thing. If we budget, and the County budgets, you just can't give 30 days notice and back out. It could be a year notice. It was agreed to add 'six months prior to the end of the fiscal year'.

A motion was made by Klitch and seconded by Heleker to approve the Cooperative Agreement between the City of Payette and Payette County for Fiscal Contributions to the Payette Municipal Airport.

After a voice vote, with one 'nay' by Nelson, the
motion CARRIED.

DEPARTMENTAL REPORTS

Written reports were presented to the Council.

CITIZENS COMMENTS

Steve Borwig 125 N. 21st Street, wanted to address issues regarding the Payette Pool. He belongs to the Eagles Lodge, and they have discussed putting together a fundraiser for the pool could be of use to the public. Right now the water is way too cold to use. My kids were in and out because it is too cold. The hot tub is unusable. 90% of the time it is broke. And for anyone who is disabled, you can't get in and out of it. The deck is built on the wrong side. What they are willing to do is a fundraiser to help replace the hot tub for one that can be used. His understanding is one of the burners is out on what heats the water to the pool. This needs to be fixed, and we are more than willing to help rather than asking for it to be fixed. We will continue with the fundraisers to generate funds. If there is a budget for the pool, why isn't it being fixed? They are willing to help. Mayor Henderson asked for Mr. Borwig to call him tomorrow, and he will get back with the Council and let them know that was discussed.

Councilor Williams asked if there was anything going on with the pool budget. City Treasurer McCombs replied that they are currently in line with their budget. The hot tub is an ongoing issue at the pool. There is always something wrong with the hot tub. She was not aware of any funding problems. Mayor Henderson stated that the boiler just went out on the pool, so their budget is tight.

Charlie Miller stated that if these houses are supposed to be \$250,000 to \$300,000 homes, if he wants to buy one, a contractor would say, sorry, we only have 4 plans to choose from. (the next statement was unintelligible) Mr. Miller thanked the Council for their deliberation tonight.

MAYOR'S COMMENTS

Mayor Henderson informed the Council of the following:

- Due to a conflict with the AIC conference, the community review is rescheduled to July 10-12.
- EAA is interested in building a new hangar at the airport. We are looking in to having the property surveyed and the possibility of a long term lease to be brought to the Council.
- Tomorrow, April 17, the Fire Department will be burning around the airport.
- Regarding dogs in the park, our current ordinance says that they are not allowed unless specifically marked by signage in the City. If there is no objection, we will place signs allowing dogs in Hanigan Park, and place doo-doo receptacles at the park, and bring forward an ordinance. (to enforce the doo-doo pick up in the park).
- Spring clean up was successful with our street department hauling away 106 dump truck loads of yard debris. We are also working on an ordinance to better manage the spring and fall clean up.
- The next meeting is at 7:00 PM, Monday, May 7, 2007.

ADJOURNMENT

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

After a unanimous voice vote, the Council adjourned at 9:46 PM.

Signed this _____ day of _____, 2007.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk