

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
February 17, 2009**

7:00 Regular Meeting

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

ROLL CALL

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

Members Absent:

Also Present: Jeff Sands, Fire Chief; Doug Argo, City Engineer; Mary Cordova, City Coordinator/Clerk; Tiffany Howell, Utility Clerk; Bert Osborn, City Attorney; Randy Schwartz, WWTP Supervisor; Rob Woyak, Water Superintendent, Lisa Bachman, JUB; Matt Uranga, JUB; Kent Gingrich; Walter Neitz, ALS; Paula Winsor; Allan Massey; Gene Lancaster

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

Williams moved and Mussell seconded a motion to recess from regular meeting into a public hearing.

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

7:00 PM Public Hearing-

A. An application by ALS Surveying on behalf of Robert McClellon for a preliminary plat of McClellon Subdivision at 1208 North 6th Street, a portion of Block 39, Riverside Plat. The Property is zoned A-Residential.

Walt Neitz – 1103 West Main St; Middleton, ID

Mr. Neitz stated that this is essentially a lot split. Mr. Neitz stated this property lies between 10th and 14th Avenue on the east side of 6th Street. Mr. Neitz stated that they ran into a little thing today; there is a sewer line that runs through the property that we were not aware of. Mr. Neitz stated we discussed it with your staff and they would like to see a 20 foot easement, 10 foot on each side of the line, and we do not have any problem with that. Mr. Neitz stated that there was a comment by the irrigation company and we since have received a letter from them stating that until this is under construction the irrigation line does not have to be replaced. Mr. Neitz stated that he has given you a copy of the preliminary plat that shows the sewer line highlighted, and there is also a copy of the proposed final plat with a note #8 on it, that states it is under construction in the vicinity of the irrigation line and it will be replaced when approval is given by the irrigation company. Councilor Williams asked Mr. Neitz if his staff is comfortable with the driveway coming out of the proposed new

parcel. Mr. Neitz stated yes, I believe so; the only thing is we will have to get an application for a driveway cut.

B. Payette Water Source Study – Discussion/Selection of Water Source Alternatives.

Kent Gingrich – 217 West Georgia Ave.; Nampa, ID

Mr. Gingrich stated that he is here tonight to go over the source water study. The Source Water Study was finally approved last September after a long process with DEQ. I have brought with me tonight Matt Uranga, who did a majority of the technical work, and Lisa Bachman, who put together the environmental information document, which was turned in following the completion of the source water study. Part of the environmental process is we need the community to decide on an alternative for the source water study. We need this documented as a community selected alternative, and then we will identify that in the report; that will be the last thing we need to do. Mr. Gingrich stated that he put a memo together to give a brief discussion of some of the alternatives that were covered in the report. The recommended alternative that was identified was the continuation of ground water. There are alternatives; six different options that are identified in the memo: regional surface water treatment with Ontario, with Payette only, with Payette and Fruitland, or with Payette, Fruitland and New Plymouth; use of treated irrigation water; ground water wells, which is what the City is currently using; wastewater treatment plant effluent from the wastewater plant; and storm water runoff. They are explained in detail in the report. Once the community identifies the alternative then we can submit the final study.

Councilor Hanigan asked if we are currently using ground water, we can still use ground water as an alternative, we don't need a back up selection. Mr. Gingrich stated that is correct. Councilor Cochran stated that what he thought he understood Mr. Gingrich to say was that we have to choose an alternative for the completion of the study. Mr. Gingrich stated that we recommend an alternative and we identify that alternative in the memo, but DEQ wants something accepted by the community, by action of the Council, and that is why we are here tonight. Councilor Cochran stated that he thinks this would be interesting for the audience to know that the letter concluded that the groundwater is going to be sufficient for the next 50 years to serve our community. Mr. Gingrich stated that was a study based on a 50 year planning period. The City has been utilizing groundwater since the inception of the town. The groundwater levels in this area, Weiser, and the surrounding area have not changed that much over time, they do go up and down but generally the ground water levels have been sufficient. Councilor Cochran asked Mr. Gingrich if we give you an alternative are we bound to that, and does that mean that should all of our ground water go away next month, then would it fall on this list? Mr. Gingrich stated that it's not binding, it's just a plan. We projected the demand and we are saying that ground water seems to be sufficient now and in the future. So, it wouldn't lock you in, no, but it would identify with this particular study since it was funded through the state revolving loan fund. If you wanted to seek funding through the State to construct a well this report would show that option. If down the road you wanted to use a different alternative, you'd it would be a hurdle to change it. You are not locked in by any means, but it's what we recommend that you would plan for. Councilor Nelson asked how ground water is an alternative if it's our primary source. Mr. Gingrich stated that the alternatives was one of the six different options, it was one of the alternative studied. Mayor Henderson stated that the fact that you have determined that it is available for 50 years makes it a viable alternative.

Matt Uranga – 1216 No 22nd St; Boise, ID

Mr. Uranga stated that to give you a little background, the whole process started by a question from staff and/or Council of "We use ground water right now, is it going to run out next year, 20 years, or 50 years." They then said let's do a source water study to look at and answer the questions of one, is it viable, is there enough ground water there, and what is it going to cost? Then they compare it to all of these other alternatives. Using ground water as an alternative in the study, it was just to re-look at

it into the future, whereas before, that really had never been done. The question was, is there something we need to be worried about are we not looking to the future far enough. Councilor Mussell stated that it looks like our grant was in 2005 and we are in 2009. Is it typical that a source water study takes that long, and what was the hold up? Mr. Uranga stated that Kent has a good timeline on that, but before he gets into the time line; all water systems have to have this preliminary engineering report on file with DEQ. Regarding the question that was coming up earlier, are we locked into it? No, you are not, but what DEQ wants is every system to have this report in their file, and it's kind of a big picture plan. It's how much are we going to grow, and some systems it's just for one subdivision and they say we are never going to have any growth. Obviously you are on the other end of the spectrum where you hope to always have growth. They want the document on file that gives them enough basics so that they know what you are doing, and that they can concur that yes, you are heading down a path that's going to keep you in line with regulations. Any time you want to change that, say ground water went away next week, and lo and behold Matt and Kent you were wrong it didn't last 50 years. We have to go do something else, and what you do is submit another preliminary engineering report that says ok now this is the situation and ground water isn't an option anymore and now we look at the other alternatives. Back a little bit more to your question, typically a preliminary engineering report probably doesn't take this long to get through, but in your instance it's complicated by a couple of things. The first being you get SRF money involved, and once you start using IDEQ money on it, there is whole other bag of items that come through. There is a long list of items they want, and in this instance there are a couple of things that came up. One was there was some changes in the rules that caused one of the addendums that came in on the time line. The second was a requirement for an environmental change document. Those are some that sneak in there with the SRF funding, and if Kent wants to run through the time line you will see where those items are.

Mr. Gingrich stated that he has a timeline that he started from when Matt presented it to the Council, and that was January 2006. In June 2006 was when we got the comment letter back from DEQ. July is when I started to get involved, and I addressed your comments and re-submitted it in October of 2006. The following June of 2007 I received an additional comment letter from DEQ. Also the person at DEQ that originally reviewed it was gone, so I had to have a new person look it over and that took from October to June. Subsequently in July of 2007 there was a rule change as far as storage and water system demands. What we did was enter an addendum through DEQ to provide this additional information. That was authorized in September of 2007, and we worked on getting that in first. I turned that in on December of 2007. Then I got on to the main report and working with Matt through the winter months I got the report final to where I wanted it, and I turned it in on April of 2008. On September of 2008 is when we got the approval letter pending the environmental information document, and that was turned in November of 2008. Then in December of 2008 we received a letter from DEQ identifying that we were missing the community selection that we are talking about today. So we set up this meeting tonight to take care of that. It's been drawn out, and it's gone through two people at DEQ and has taken over a year to get those reviews done. Now we had a rule change in the middle which has taken more time, and I have done the best trying to keep it up and completed. Councilor Heleker asked if we choose ground water as an alternative to itself, we are pretty much just stating our confidence in the fact that ground water is going to be the best source for the next 50 years. I heard you say something about potential funding if it is both our primary and our alternative sources, does that make us eligible for additional funding, and if so from what source and how do we go about that. Mr. Gingrich stated that the funding that is linked to this through the state revolving loan fund; which is a specific pot of money that if you want to request some assistance for drilling a well through the SRF funding then you would have to have an alternative selective. So, that is the main pot of money that the environmental document we are working through now allows you to have access to the money through the state revolving loan fund. Mayor Henderson stated that you are saying it is logical that we choose ground water to continue to be our source, because if we said, for instance, regional surface water, then when we get to this state fund then they will say, well your alternative is this, so this is what you should be using. Mr. Gingrich stated that he can tell you what to

select, but that is what we have talked to Mary about. If you want to submit to help pay for a well you can get the SRF money. Mr. Urangua stated that the key is that your preliminary engineering report matches what you want to do from the States perspective. If you wanted to do surface water treatment, as long as this is said, then you'd be ok when you went to do funding. If you picked surface water treatment in this report and then you applied for a well, then no.

Williams moved and Heleker seconded a motion to adjourn the public hearing at 7:24pm and reconvene to the regular meeting.

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

APPROVAL OF MINUTES

Heleker moved and Hanigan seconded a motion to approve the meeting minutes of 02/02/09 with one minor change of the day of the week on the last page from Monday to Tuesday as written.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Williams and seconded by Cochran to approve the City Bills & Payroll in the amount of \$225,261.77.

At the roll call:

Ayes: Nelson, Mussell, Williams, Cochran, Heleker, Hanigan
Nays:

The motion CARRIED.

SPECIAL ORDERS

None Heard.

COMMUNICATIONS

None Heard.

PLANNING & ZONING

None Heard.

OLD BUSINESS

None Heard.

NEW BUSINESS

A. Preliminary Plat Application by Robert McClellan

Heleker moved and Nelson seconded a motion to approve the preliminary plat application for Robert McClellan with the sewer line and the 20ft easement included.

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

B. Selection of Source Water Alternative for the City of Payette

Heleker moved and Mussell seconded a motion to approve groundwater or wells as our source water alternative.

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

C. Resolution 09-02 –A Resolution Authorizing the Destruction of Records

Councilor Williams stated that from time to time we have discussions or refer to past items, and what jumped out to me was the memo of understanding 1996, and I'm not sure what it is, but is there anything here that we might want to hold on to? On the same lines there is document in here called Chiquita usage. Mrs. Cordova stated that yes we are covering our bases. Councilor Mussell asked if the City has a record retention schedule that's recommended by other cities as far as how many years we keep things. Clerk Cordova stated absolutely we do. The City Council passed that back in January of 2007. We haven't done any house cleaning since then, but every item on this list is in accordance with the schedule that the Council passed.

Williams moved and Heleker seconded a motion to approve Resolution 09-02 authorizing the destruction of records.

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

D. Proposed Water Infrastructure Ordinance – Administrative Update.

Clerk Cordova stated that she wanted to inform the Council and the public that we are working very steadily on trying to get some rules and regulations in place. We have gone back and forth between mending ordinances which we will do, but after developing a nine page regulation standards for the City, we still need to massage it a little bit. What we would like to do is create something that is very user friendly for any developer that comes into the City. We are not quite there yet, but like I said we have nine pages worth, but still some corrections that need to be made. After reviewing all this, I found that this is going to be very, very comprehensive, and before we just said you can use ductile iron. Well now we are going to be talking about separation of mains, trench preparation, pipe lying, laying of pipes on curves, pipe restraining, and so on. There is a lot of information that has gone into this, and a lot of thought. We do want to present this to the Council in a work session with the next week or so. I thought we would have this ready for consideration at tonight's meeting, but it has gotten very thorough and there will probably be more than nine pages in the end. I just wanted to ensure you that we are still working on it. Mayor Henderson stated that it is our intention to introduce it at the next meeting as long as we get a work session scheduled between now and the next meeting.

DEPARTMENTAL REPORTS

A. Engineering Status Report

B. Treasurer's Quarterly Financial Report

C. Library Board –

John Held – 2415 Center Ave; Payette, ID

Mr. Held stated that he is here representing the Library Board to give the state of the stacks address. Since I was here a year ago, the public has continued to support the library. Mr. Held stated that the library attendance this last year exceeded 51,000 people, which is almost 1,000 people a week. That is well more than double what it was back in 2001. The children's program attendance bounced up from a year ago, and the regular attendance continues to go up. While people are at the library they are using it. Our circulation since 2001 has more than tripled. There were over 136,000 uses at the library between adult circulation, juvenile circulation, and internet usage. If we had 51,000 people and 18,000 of them used the internet when they were there, that means more than 1 out of 3 people use that service. The number went up just a little bit, but that was because we started limiting people to one hour on the computer. First they have to sign up to use it, then we put them on and say time is up, then the next person gets to use it. If each of these 18,000 people used it for one hour we would have an 88% capacity on the computer, so there's not a lot of free time, especially after school.

Mr. Held stated that the library was curious as to what was going on with the non-print material that was being checked out, so we drilled down into the numbers and the videos are the biggest thing being checked out. Three quarters of that number are DVD's, and only a quarter of it now is the old fashioned VHS tapes. We are no longer buying VCR tapes so the number of DVD's will be rising. As far as the audio books go, the biggest users are the drivers at Seneca. Last year the books on tape were 60 % of the audio books and this year that has slipped down to 39%. The books on CD are half of what we are doing and a big increase over the prior year are the MP3 players and files that people can check out. In conjunction with the state library board we have downloadable audio files, where you can get on the internet and go to the Payette Library for information and upload a book onto your MP3 player. You get the book for a three week period that you can burn onto a CD or listen to it in your car, and if you want to read it again you have to re-check it out. We had over 700 check outs of the MP3 players as well as the MP3 files, so we are seeing a big rise in the new communication methods.

We have a "Friends of the Payette Library" charitable organization that raises funds for us, and they are the ones that have provided the video games. We had almost 1,000 of those checked out last year. They have also applied for and received a grant from the Idaho Community Foundation for \$2,500 which will provide 100 library cards for people who have a Payette address, but live outside the City limits. The Friends are looking for senior citizens or lower income families, or kids that want to use the library but their parents say they can't afford it. The Friends have gone out and gotten that grant from the Idaho Community Foundation to help things out, and a couple people from the Friends group are here tonight: Paula Winsor and Deleice Ward. The Board certainly appreciates what you guys are doing for the library and I'm sure Colleen and the rest of her staff do.

One other thing is that in our current budget we have money in there for a feasibility study to look at expansion or a new library facility, and Colleen contacted the State library and they were very helpful in giving her some information on what to think about when you expand. Right now our facility has approximately 8,000 square feet of usable space, and by going through the exercises of what she think we would like is between 20,000 and 28,000 square feet. Councilor Heleker asked if they found grants and help for the expansion. Mr. Held stated they are looking in to that, but we don't have any at hand, but we need to know what we are looking at doing so we know what to ask for. Councilor Hanigan asked how you download something to your MP3 player and

then give it back in three weeks. Colleen Bonnell stated that they check it out and it downloads onto the mobile device, you get a license and it's good for three weeks, when the three weeks is up it will still be on your mobile device, but it will no longer play, you have to recheck it out in order for it to work.

CITIZENS COMMENTS

None Heard.

Councilor Williams asked what the negative figures are on page one of the financial report. Clerk Cordova stated that the first line item of penalty and interest, you will see 319000 underneath that you will see 319100 and a 319110 of penalty and interest, so essentially it is the same thing. So your negative \$2,840 is actually going up into the line above it, and on your next report there will only be 319100 and no 319110. Your building permits 322000 that was some inaccurate coding, it went into the building permits, but should have gone into the business licenses. Councilor Williams stated that on page 2 on miscellaneous revenue, we anticipated \$7,000, but year to date we have \$35,490, what's going on with the excess. Clerk Cordova stated that it was not a pleasant surprise, we had paid a contractor twice and that is his reimbursement to us in the amount of \$28,490. Councilor Williams stated that there are different interests earned. Clerk Cordova stated that those interest amounts will be different depending on what usage occurred in the fund that month. Councilor Williams stated that there is more fine money in the account than anticipated. Clerk Cordova stated that this in our water account and I believe that is correcting an error, it's not 199%. Please be aware that we have been working out small glitches, like two lines of penalty and interest, so anytime you see something that looks funky please ask me and we will answer it for you. Councilor Williams stated that we had expected \$40,000 in capital out lay for the airport, but year to there is like \$92,000 and I'm thinking we received a grant, is that correct? Clerk Cordova stated that yes, we did receive a grant to do this work, and yes we do know that it looks like the fund is overdrawn, but we have stretched the airport to the max and they cannot spend another dime. The Airport Commission wanted to get that project done and fully utilize the grant they received last year, so they will be running a little tight for the rest of year.

MAYOR'S COMMENTS

- ❑ The Lion's breakfast March 14th at 7am at the Payette High School
- ❑ The City will be bringing the water infrastructure to a work session that we will be scheduling with the next week; we will then hold a public hearing.

Heleker moved and Williams seconded a motion to adjourn to an executive session per Idaho code 67-2345 regarding a possible litigation.

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

Williams moved and Heleker seconded a motion to reconvene to the regular meeting and amend the agenda to include discussion of a special Counsel.

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

A. Special Conflict Counsel –

Councilor Williams asked what kind of cost this will entail. Clerk Cordova stated that rather than put down a retainer we don't anticipate that we would have too many opportunities to use this firm. The billing rates will be hourly, \$175 and hour for share holder, \$155 and hour for senior associates, \$140 for junior associates, and legal assistance is \$60 and hour. Councilor Williams asked if there was any reason why we couldn't get anyone local to cut those costs. Clerk Cordova stated that the reason we went with this firm was that we have extensive experience with them, and we have worked well with them for many, many years. They specialize in municipal law among other things, and they are outside the city to avoid conflict.

Hanigan moved and Cochran seconded a motion to approve a contract with Moore, Smith, Buxton, and Turke law offices.

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

ADJOURNMENT

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

After a unanimous voice vote, the motion CARRIED, and the Council adjourned at 8:12 PM.

Signed this _____ day of _____, 2009.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk