

**MINUTES  
PAYETTE CITY COUNCIL  
REGULAR MEETING  
May 5, 2009**

**6:00 PM Public Hearing**

**City Attorney Bert Osborn announced convening of the City Council for the purpose of the Public Hearing.**

**6:00 PM – PUBLIC HEARING**

- A. An application by the City of Payette to annex approximately 94.42 acres of property that includes all the property West of North 9<sup>th</sup> Street, extending to the boundary of the Payette impact area that is currently not in the City limits. The proposed zoning will be B-Residential, excepting parcel #5294-1, #5451, #5450, #5449 & #5294 will be zoned Industrial.

**Parcel I:** In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, those portions of Section 28, Section 29, and Government Lot 5 of Section 33, more particularly described as follows:

Commencing at the quarter corner of common to said Section 28 & 33; thence along the Section line common to said Sections, N89°14'28"W 677.13 feet, to a point on the existing line of the corporate limits of the City of Payette, said point being the **POINT OF BEGINNING**;

Thence along the said corporate city limit line the following courses:

- 1) S 00°58'07" W 65.62 feet;
- 2) S 01°18'15" W 124.78 feet;
- 3) S 01°08'43" W 60.39 feet;
- 4) S 40°02'13" E 293.87 feet;
- 5) N 88°05'02" W 223.86 feet;
- 6) N 32°57'08" W 334.98 feet;
- 7) N 88°46'29" W 864.37 feet; to the right bank of the Payette River;

thence along the right bank of the Payette River the following courses:

- 1) N 51°35'59" W 296.48 feet;
- 2) N 30°40'47" W 242.83 feet;
- 3) N 47°24'48" W 137.64 feet;
- 4) N 51°52'15" W 133.57 feet;
- 5) N 52°27'05" W 135.70 feet;
- 6) N 69°28'10" W 113.47 feet;
- 7) N 66°54'16" W 153.20 feet;
- 8) N 57°41'00" W 172.12 feet;
- 9) N 42°05'41" W 58.31 feet;
- 10) N 22°10'06" W 139.35 feet;
- 11) N 18°23'11" W 181.88 feet;

- 12) N 01°04'43" W 220.92 feet;
- 13) N 04°21'55" E 165.68 feet;
- 14) N 14°29'59" E 72.00 feet;
- 15) N 17°10'40" E 223.39 feet;
- 16) N 40°45'58" E 149.70 feet;
- 17) N 39°50'54" E 279.15 feet to a point on the existing line of the corporate limits of the City of Payette;

thence along the said corporate city limit line the following courses:

- 1) S 47°09'39" E 132.07 feet;
- 2) S 83°54'14" E 442.18 feet;
- 3) S 49°09'42" E 132.07 feet;
- 4) N 55°29'45" E 647.81 feet;
- 5) N 32°20'19" E 461.70 feet;
- 6) N 67°07'06" E 241.71 feet;
- 7) S 85°05'16" E 53.05 feet;
- 8) S 88°55'02" E 360.57 feet;
- 9) S 89°22'31" E 291.01 feet;
- 10) N 00°09'21" W 217.82 feet;
- 11) S 89°22'31" E 184.03 feet;
- 12) N 00°49'08" W 211.17 feet;
- 13) N 03°42'40" W 9.71 feet;
- 14) S 89°22'31" E 191.87 feet;
- 15) S 00°45'37" W 438.60 feet;
- 16) N 89°22'31" W 183.37' feet;
- 17) S 05°26'44" W 38.45 feet;
- 18) N 89°25'30" W 234.56 feet;
- 19) N 89°28'59" W 70.12 feet;
- 20) N 89°32'35" W 100.83 feet;
- 21) N 88°49'02" W 64.59 feet;
- 22) S 01°20'30" W 101.21 feet;
- 23) S 02°23'18" W 74.98 feet;
- 24) S 01°44'34" W 77.05 feet;
- 25) S 02°18'56" W 76.11 feet;
- 26) S 02°28'22" W 74.64 feet;
- 27) N 89°22'31" W 413.57 feet;
- 28) S 06°20'09" W 67.78 feet;
- 29) S 39°01'35" W 65.08 feet;
- 30) S 25°19'32" W 29.69 feet;
- 31) S 10°04'16" W 77.53 feet;
- 32) N 83°31'16" W 339.70 feet;
- 33) S 38°00'09" W 92.51 feet;
- 34) S 60°20'54" W 326.45 feet;
- 35) S 81°20'30" W 215.01 feet;
- 36) N 60°35'46" W 129.24 feet;

- 37) N 75°51'45" W 232.38 feet;
- 38) N 89°41'01" W 321.16 feet;
- 39) S 69°53'17" W 191.34 feet;
- 40) S 77°22'15" E 262.80 feet;
- 41) S 10°21'24" W 158.37 feet;
- 42) S 06°11'59" W 251.83 feet;
- 43) N 89°48'06" E 431.65 feet;
- 44) S 89°26'02" E 872.26 feet;
- 45) S 87°59'28" E 162.37 feet;
- 46) S 87°51'51" E 444.08 feet;
- 47) S 00°03'20" W 304.04 feet;
- 48) S 89°39'41" E 44.51 feet;
- 49) S 89°34'39" E 644.85 feet;
- 50) S 00°14'20" W 27.56 feet;
- 51) S 01°01'56" W 322.85 feet;
- 52) N 88°36'01" W 641.46 feet;
- 53) N 73°53'37" W 44.57 feet;
- 54) N 89°09'23" W 122.36 feet;
- 55) N 89°19'47" W 26.27 feet;
- 56) S 00°15'30" W 79.81 feet;
- 57) S 89°12'13" E 26.06 feet;
- 58) S 00°36'33" W 79.44 feet;
- 59) S 00°24'07" W 67.58 feet;
- 60) S 89°15'52" E 123.67 feet;
- 61) S 00°17'12" W 210.78 feet;
- 62) S 00°20'16" W 20.73 feet;
- 63) S 00°03'40" W 20.64 feet;
- 64) S 00°00'14" E 198.89 feet to the **POINT OF BEGINNING.**

**Parcel II:** In Assessor's Riverside Plat, as per Plat in Book 1, Page 10, Plat Records, Payette County, Idaho. In Block 23: Beginning at the SE corner of the SE1/4NE1/4 of Sec. 28, T9N, R5W, BM: thence West 660 feet, more or less, to the North and South center line of said SE1/4NE1/4; thence North 330 feet; thence East 660 feet, more or less, to the East side line of said SE1/4NE1/4; thence South 330 feet to the place of beginning; Save and excepting the road right-of-way along the East side thereof.

**Parcel III:** A portion of Block 3 of Assessor's Riverside Plat, according to the map thereof on file and of record in the office of the Recorder of Payette County, Idaho, said tract being situate in Government Lot 1 of Sec. 28, T9N, R5W, BM, and more particularly described as follows: Beginning at a point 1320 feet West and 661 feet North of the SE corner of aforesaid Government Lot 1; run thence North 339 feet, more or less, to the Easterly meander line of the Snake River; thence in a Southwesterly direction following said meander line of said river to a point 385 feet West of the point of beginning; thence East 385 feet, more or less, to the point of beginning.

Alice Finicum Nicholson – 901 River St; Payette, ID

I don't know what I can add to this argument, but I'm under the impression that farm animals are not allowed in the city, and I am opposed to changing my lifestyle. The only other thing I can think of is if we are forced to be annexed into the City we have certain obligations and a lot of the problems Payette has they brought on themselves. There was something I heard that was very disturbing to me that all new homes should be 120,000 so they can fatten their wallets, and all homes that are old should be condemned. Most of the people that buy older homes are younger people that are trying to fix them up.

Dennis Nicholson – 901 River St; Payette, ID

I am opposed to this annexation. Also stating in Idaho Statue<sup>15</sup>, title 15, section 222 “any property that is five acres or more should not be able to be annexed unless the owner agrees to the annexation.” I realize in talking around every city in Idaho is going miles out to annex and there is nothing out there, and I don't know what you got as far a programs, but we are not going anywhere. You only have a certain amount that you can grow. The Washington border stops you to the north, Fruitland stops you to the south, you can go out little willow ways for awhile, and if Fruitland doesn't beat you to it you can go out washoe road for a ways. All you are doing is irritating a lot of people and you are elected by those people. They should have a voice and as far as Mary saying all this about we should pay our way. Well if we use the library we have to pay \$50, and everyone uses the streets. As far as the parks are concerned we don't need your parks anymore, and as a matter of fact if you come to 901 River Street we have a nicer park then you do as far as I am concerned. We have nine deer that we feed and take care of and as long as no one shoots at them, they stick around. I have a badger, some foxes, and you guys are welcome to all the skunks that you can catch, we have a bunch. We also have eagles, hawks, owls, pigeons, and we like it there, and I would imagine the people that are on the pond like seeing the deer in our pasture. If we go into the city the they are going to be chased out and eventually someone is going to develop that, and you are going to have houses right up to the pond. There is also a lot of children in the area and if you develop it 10<sup>th</sup> is going to be a mad house. People come speeding through River street 30, 40, and sometimes 60 miles an hour, and we were told that there was going to be some speed bumps or some sort of control and there hasn't been. The City police officers sit up on 10<sup>th</sup> a couple blocks and he catches a couple, but other than that it is pretty much a free for all down there.

Chet Boren – 2089 No 6<sup>th</sup> St; Payette, ID

I understand that the annexation is pretty much a done thing, because we went down to the county the other day and they already told me we were in so we are probably here on a formality. I would like to address that this annexation is damn poor policy. It's unfair, you don't provide anything, and it needs to be changed. I also went to a city council meeting in Fruitland the other night, and they had some policies over there they wanted to get passed. They invited the interested parties, and they made their point, and when they got through the mayor made an interesting point. He stated that is the government by the people and instead of running to the back room and hiding so no one knows what your vote is they held an open quorum of votes just because the people were there. We went to the planning meeting and all of these people that are here and several other expressed their resentment of the annexation and we wasted time, they weren't even man enough to vote in front of us and they haven't even published who voted what. A lot of people are following this annexation tonight and we have an election coming up and four of you are up for re-election and there are a lot of people looking at this.

Chad Boren – 2089 No 6<sup>th</sup> St; Payette ID

My father is a little upset, and the reason being that we have been at this parcel of property for over fifty years. We have property situated between the riverside cemetery and the Snake River bridge, and I don't understand what you want that for, unless it's to develop the greenbelt. There is no water or no sewer out there until you get to 17<sup>th</sup> Ave No. I do not think this is a very good policy, we are paying triple the taxes and do not have the benefits that everyone else in city limits has.

Richard Orris – 733 River St; Payette, ID

First off, I am very against this. The only thing that no one has asked yet is "why do you want it in the City" and for what purpose? All it is going to do is ruin our livelihoods out there. You say it's going to increase our property value, how is that when I have to pull my horses off if I decide to sell it. So now I have an acre of property that is no good to anyone who wants to put horses on it. The grandfathering ends with me, so when I decide to leave that place I am going to have to try and sell something that someone has water rights on and can't put their animals on there. That to me is de-valuing my property. Another thing is that I noticed that you have the pledge of allegiance, but not one person on the planning and zoning commission said it was a good idea, they all said it was a bad idea, and they didn't want it. You as an elected body of the United States are going to go ahead and vote against the people that said it was a bad idea. This happened in the 30's in Europe, and the country that they thought about annexing was Poland, and you know the rest. We do not want to be part of the city, it is elderly people and a lot of people out of work and you are going to triple there taxes when were already struggling to survive, that makes no sense.

Ted Jeremiah - 739 River St; Payette, ID

I am opposed to the annexation and I came to the planning and zoning meeting to express that. We thought they were going to respond through our response that majorities of the people are against it, and we have not heard anything else about it. This is all acreage setting it is not in lot settings and we are all against it. Eventually our lifestyles are going to change, they already are.

Jim Chancellor – 735 River St; Payette, ID

I live where the two speedways meet where the greenbelt is at. The cars speed down towards the greenbelt, and I have lived there for 20 years now and I have never seen anyone get pulled over going to the greenbelt or on River Street. I have sat on my porch on River Street and have watched two cars and a motorcycle go through the fence because they were going too fast. I live on a fixed income and every year it gets rougher and rougher to get through the year and if they put us in the city it is going to put a burden on us paying the taxes. Our social security is our income and we have a supplemental house that we took and acre of our property and put a double wide on there and that helps pay the bills. I am 82 years old and I just wanted all you guys and women that are going to vote for this that if I was your brother, dad, grandfather, uncle, would you vote this in?

Ron Stein – 885 River St; Payette, ID

We bought that place with the acreage to raise the family; which we did, and to enjoy the livestock. I have cattle, horses, birds, pheasants, and peacocks before the kid let the loose through town. You are dealing with the way we live and we are totally happy to the way we live, not that we are opposed to the taxation, but to triple our taxes when the economy is in the tubes. You are almost hitting double digits in the unemployment rates and you are dealing with an economy that everyone is trying to get by. I know that Jeff needs a new fire station and I'm not opposed to that, but there is going to be a bond issue over that, so we are going to have to pay for that anyways. We pay for the cemetery and the roads, but do you pay for the roads when you go to Ontario to go shopping because you can't afford it in Payette, or it's not available? I just don't believe the timing is right and I am definitely opposed to it. You are probably going to ask me when the time is right and in the planning and zoning meeting I told them when I died or when I sold the place and that didn't go over very good. If I was going to split my land up to build houses then annex me. My land sits very narrow then it widens out and meets up with other pastures, so I couldn't put houses on the front section if I wanted to and that is 3 acres of my land. I'm not opposed to taxes, but we are paying for the fire service anyway, but sewer and water is not available. I just believe that the timing is not right and I have heard all week that you folks already have your mind made up and I hope that is not the case. I understand that as the city council you are in trouble financially and everyone is making cuts in their budget and it's tough, but that 7<sup>th</sup> street fiasco is over budget. I do hope it gets done by the time I die so I can have a smooth ride to the cemetery.

Craig Jensen – 316 15<sup>th</sup> Ave No; Payette, ID

Does this area need to be annexed, yes. Does it need to be annexed right now, no. If someone had a problem on River Street who would come, the Payette police department, yes. We are in a bad economy and this is a bad time for us to be annexing it. If someone had had a plat map of doing an improvement, then maybe I could see annexing but right now is not the time.

Councilor Williams asked Mr. Jensen what type of a barometer we should use to know when the right time is. Mr. Jensen stated that if there is a piece of property out there that someone wants to develop right now and has a shovel in hand. That would be the only thing I would see as being a good justification for annexing the property. Councilor Heleker asked Mr. Jensen at that time if such a property did develop is you saying that would also be the right time to annex the contiguous properties or just the property in question. Mr. Jensen stated well it had to be made that way so you could bring in city services than yes. Councilor Heleker asked Mr. Jensen if only those properties. Mr. Jensen stated yes, but again we are being hypothetical.

Robert Kehrer – 705 River St; Payette, ID

I am opposed to this because they are going to zone my property industrial zone, and this is going to ruin what I have done to this place in the last 10 years. It's going to up my taxes and I'm not going to gain anything by it. No one has ever said how much our property taxes are going to go up, I just want to know. I am opposed to it because I am on a fixed income and am semi retired and I want to retire completely, but with the way the economy is I don't see that happening.

Kelli Carson – 900 River St; Payette, ID

I understand that the school board is going to meet very soon to discuss declaring a state of financial emergency. My wages as a teacher could be lowered, and I really don't understand why the city wants to increase my taxes at a time where people wages are being cut. The women who represented the city at the last meeting stated that the city was not interested in changing any one's lifestyle, but another \$250 added to my taxes would change my lifestyle. I have kids to take care of; bills to pay, and another \$250 out of my budget would change my lifestyle.

Frank Carson – 900 River St; Payette, ID

My wife is about to get her wages cut and I'm looking at a 5% ding on mine, and I don't even know if I have work past September. So if you do start taking more out, where is it going to come from? They have tried for years and years to annex this property and I have had plans for years to, and one of them is educating my children past high school. If I have to put out another \$200 dollars a month that is going to have to be one of the first things to go. We already drive 10 year old vehicle and my house is at a standstill on an addition I have been trying to complete for 3 years now. You're impacting our lifestyles our pocket books and our children's future tonight with your decision, or whenever you take your vote. We are not hurting a darn thing out there and we are not asking for a darn thing just let us be and we will be just fine. I don't think we take anything away from anyone around us. The people that walk on the greenbelt enjoy the my property and my animals, and other thing that brings up is if we leave for whatever reason that is going to be 5 and ¼ acres that cannot be used for that anymore.

Mayor Henderson stated that the vote is not a foregone conclusion nor I don't think have any of the council members discussed this with each other as far the voting. There was discussion about P&Z not voting on it in front of you and we are not going to vote on it tonight, and it is not because we don't want to vote in front of you. We want to listen to what you have to say and we want the council to have time to process that have time to check any facts they want to. We will be holding a vote at the next meeting on May 16<sup>th</sup> and you are all more than welcome to come.

Councilor Williams asked if the present owner cannot have animals and a future owner wants to have animals can they not apply for a conditional use permit. Clerk Cordova stated yes they could as long as they go through the correct application process.

The City attorney adjourned the meeting at 7:11 PM.

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

## **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, Lee Nelson, Les Cochran, Mark Heleker, Georgia Hanigan, Jeff Williams

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; Alice Finicum Nicholson; Dennis Nicholson; Chet Boren; Chad Boren; Richard Orris; Ted Jeremiah; Jim Chancellor; Ron Stein; Craig Jensen; Robert Kehrler; Kelli Carson; Frank Carson; Gene Lancaster; Jane Young; Aaron Sobers

### **PLEDGE**

Mayor Henderson led the Pledge of Allegiance.

### **APPROVAL OF MINUTES**

Heleker moved and Mussell seconded a motion to approve the meeting minutes of 04/20/09 as written.

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

### **APPROVAL OF BILLS & PAYROLL**

A motion was made by Hanigan and seconded by Cochran to approve the City Bills & Payroll in the amount of \$149,119.81.

At the roll call:

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

Nays:

The motion CARRIED.

### **SPECIAL ORDERS**

A. Mayoral Proclamation – Foster Care Month, May 2009

**PROCLAMATION  
FOSTER CARE MONTH  
MAY, 2009**



WHEREAS, the family, serving as the primary source of love, identity, self-esteem and support, is the very foundation of our communities and our State, and

WHEREAS, in Idaho, there are 3,349 children and youth in foster care being provided with a safe, secure and stable home along with the compassion and nurture of a foster family, and

WHEREAS, all young people in foster care need a meaningful connection to a caring adult who becomes a supportive and lasting presence in their lives, and

WHEREAS, foster, kinship and adoptive families, who open their homes and hearts and support children whose families are in crisis, play a vital role in helping children and families heal and reconnect thereby launching young people into successful adulthood, and

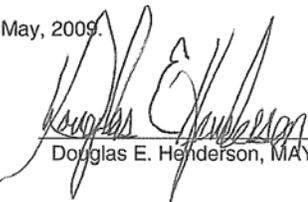
WHEREAS, dedicated foster families frequently adopt foster children, resulting in a greater need for more foster families, and

WHEREAS, there are numerous individuals, public and private organizations who work to increase public awareness of the needs of children in and leaving foster care as well as the enduring and valuable contribution of foster parents, and the foster care "system" is only as good as those who choose to be part of it, and

WHEREAS, to help achieve this goal, the Idaho Department of Health and Welfare, Idaho Child Welfare Partnership, and Recruitment Peer Mentoring Program urge all residents of Idaho to participate in National Foster Care Month.

NOW, THEREFORE, I, Douglas E. Henderson, by virtue of the authority vested in me as Mayor of the City of Payette, Idaho, do hereby proclaim May as FOSTER CARE MONTH in Payette and urge all citizens to come forward and do something positive that will help *change a lifetime* for children and youth in foster care.

DATED this 5<sup>th</sup> Day of May, 2009.

  
Douglas E. Henderson, MAYOR

**B. Mayoral Proclamation – Municipal Clerks Week May 3**

# Proclamation

*Municipal Clerks Week  
May 3 through May 9, 2009*

*Whereas, The Office of the Municipal Clerk, a time honored and vital part of local government exists throughout the world, and*

*Whereas, The Office of the Municipal Clerk is the oldest among public servants, and*

*Whereas, The Office of the Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and*

*Whereas, Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.*

*Whereas, The Municipal Clerk serves as the information center on functions of local government and community.*

*Whereas, Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, province, county and international professional organizations.*

*Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Municipal Clerk.*

*Now, Therefore, I, Douglas E. Henderson, Mayor of the City of Payette, Idaho, do recognize the week of May 3 through May 9, 2009, as Municipal Clerks Week, and further extend appreciation to our Municipal Clerk, Mary Cordova, Deputy Clerks Jennifer Kelley and Bobbie Black, and to all Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.*

*Dated this 5<sup>th</sup> day of May, 2009*

Mayor:  Attest: \_\_\_\_\_

## **COMMUNICATIONS**

- A. Article in Idaho Statesman dated 4/26/09  
RE: Payette was a lively Little City when Idaho became a stated
  
- B. Letter dated 4/30/09 from Gerald & Jane Young  
RE: Request for De- annexation

## **PLANNING & ZONING**

Payette City Council  
Regular Meeting Minutes  
05/05/2009

None Heard.

**OLD BUSINESS**

A. Boomerang Downhill 50 Bicycle Race  
- Michael King

Mayor Henderson stated that unless you have all your ducks in a row we probably don't need to go much farther. Mr. King stated that he does have everything in order. I have spent the afternoon with ITD staff and given them an amended traffic control plan. I have completed the first step and probably would have completed all three, but the gentlemen were in a high level meeting. Mr. King stated that he does have ITD approval. Mr. King stated that my application is ready and your fine city clerk knows it has been completed for several days but will not accept it until the ITD permit is attached. Mayor Henderson stated that Clerk Cordova should not accept it until all necessary items are attached. Mr. King stated that I can tell you that it has been approved, everything I have done. Mayor Henderson stated that you still don't have the ITD approval. Mr. King stated that what if I have the permit to you no later than tomorrow afternoon. Mayor Henderson stated that an event of this size and this is the last council meeting before this event will happen. In my opinion I don't see how you could pull this off and how the council could approve such an event without you having all the approvals done. If the council has other feelings they are more than welcome too. Mr. King stated that I do have a solution and the solution is that you allow me to get the ITD approval and bring it to the city clerk's staff for approval. I only need one police person walking around to make sure everything is ok and I have hired people to help with the flagging and moving barricades around. I have already invested \$2,000 into this event and that does not include the \$200 for this permit tomorrow. I just need you to allow me to go to Boise pick up the permit and take it to the clerk for approval.

Mayor Henderson stated that when we met at the last meeting you were going to have everything submitted the next day and now we are 15 days later and you are still trying to dot the I's and cross the T's and we are talking less than two weeks away from an event you are expecting 1,000 people. I don't see how it could be pulled off and I don't see how the city could approve or justify such an even when your ducks aren't even in a row. Mr. King stated I understand that and I do apologize for the fact that the paperwork has taken me longer than I thought. I have been out promoting the event and I'm only suspecting there are about 100 entries, but if it were a sanctioned event through a well known company we would have a bigger turn out and I plan on doing that next year. The first year I want to have a citizen type race and get my feet wet. My solution is that once the staff has gone through and looked through the application and find that everything is there that you have a very brief special meeting to approve this.

Councilor Williams stated that Mr. King just stated that he has people to help move everything and my biggest concern is crossing Highway 95 and how do you plan on handling this safety issue. Mr. King stated that was one of my concerns, but I hired a very good company to flag Highway 95 as if it was a construction zone and they would stop traffic as racers came through. They would know by radio contact when they get very close to that corner and they would shut down Highway 95 until the racers are through and once the racers have gone through they would re-open the highway. Mayor Henderson stated that you already stated that you are going to have citizens from 5 to 50 that are racing and how do you expect to keep those people clumped together. Mr. King stated that the state was concerned about how the race would be strung out and that there would be a main group of professional riders. We will have a number of sag wagons that will go behind the racers and anyone that starts to fall behind, the sag wagon will pick them up. Councilor Williams stated that by your own admission there may be only 100 people and I think this sounds like a great event you just go started a little late. Would there be a problem if you detour off 52 and end up on the hill somewhere rather than come down 52. Mr. King stated that I think we would be failing to put on a show for the spectators. The state that is in control of the safety aspect has verbally approved. Mayor Henderson stated that you don't have approval, you have one of the three steps and you have verbal approval from a gentleman that doesn't authority to approve it. Mr. King stated that this gentleman is

someone I work with on a daily basis and his superior and the traffic engineer have to sign off. Mayor Henderson stated that it is fair to say that you do not have ITD approval at this moment. Mr. King stated yes, you are correct. Councilor Nelson stated that even if you got approval there is still a group of bikers going down town, how the person knows to get the people off the street. Mr. King stated that there is a lead vehicle with flashing lights that leads the entire pack with a pace car and we will also have a couple of motorcycle escorts that are accustomed with doing this type of thing. Mayor Henderson asked Mr. King to refresh the council on the route through Payette. Mr. King stated that they will be going down 2<sup>nd</sup> Avenue South turning right on Main Street and racing to the finish line in front of Meechan's restaurant. Mayor Henderson asked Mr. King what time he expected these people to get in. Mr. King stated 3:30pm. Mayor Henderson stated that this is a great event and I would be behind it for Apple Blossom 2010, but we checked with other agencies involved and no one else has been involved and we are deeply concerned that the proper safety issues have not been addressed. Councilor Heleker stated that the number 1 concern is the safety and Highway 95 if we do get this thing going for next year finding something to elevate that issue and to have it end somewhere else. Mr. King stated that the state calls for no longer than a 15 minute delay on any public highway and I told them we would not take longer than 3 minutes. Councilor Williams asked at what point the did ITD call our local people and discuss this with them. Mr. King stated that ITD asked that I provide letters from the law enforcement agencies and I told ITD that the officers know about the race, but we will need nothing from the law enforcement agencies. Chief Clark stated that I have asked Mr. King to come in and meet with me a couple of times and called him once and I have yet to have a meeting with him, so I don't know what he's talking about. I am concerned about all these things and I read some minutes from the last meeting and he talked about needing barricades and we don't have the roads barricaded during the parade. Councilor Williams stated that there has been no motion made, but maybe someone offers you a consolation for a different location for here in Payette East of 95. If someone made a motion would you be so inclined to accept that. Mr. King stated yes, I will change the finish line. Clerk Cordova stated that at this point we do not have a completed special event permit application, insurance requirements, and I think at this point I think the only thing we could do is wait until we get a completed permit and at that time call a special meeting. Councilor Cochran asked if the insurance has been provided. Clerk Cordova stated that she has seen a receipt for insurance but has not seen the actual certificate of insurance. Councilor Cochran stated that I think that based on the safety issue we need to deny this event and try and put this together for later this summer or possibly as end at the cycle park in the county.

Williams moved and Heleker seconded a motion that if the ITD approval and all other necessary paperwork is completed by 3:00 pm tomorrow May 6<sup>th</sup> and the finish line will be east of highway 95.

At the roll call:

Ayes: Nelson, Mussell, Heleker, Hanigan, Williams

Nays: Cochran

The motion CARRIED.

### **NEW BUSINESS**

- A. PCR D Concession Stand for McCain 5-plex Baseball Fields  
-Allan Pollock

Allen Pollock – 2410 Julie Lane; Payette, ID

Mr. Pollock stated that we have two fields planted and sprinklers are in and we need to know what our next plan is that the city is willing to participate in. The recreational department is getting power out there with the help of Idaho Power and we are working on getting a grant for doing it for free. Our next phase is a concession stand and our goal is getting a part of the concession stand put up and get out sprinklers on automatic power. I don't know what you guys are going to do next for this project and I presented this to our board and they are having a tough time when Fruitland built the concession stand for their park. Fruitland gets paid \$300 a month for that concession stand so it's not a dead horse, if you built it, you would receive something in return. Fruitland's concession is 50x15 and ours 50x25. Mayor Henderson asked Mr. Pollock if he has any estimates as to what it would be to build. Mr. Pollock stated no, not at this time. Mr. Pollock asked if the city is interested in building it or do I have to take another avenue. Mayor Henderson stated that we are open to anything and we would like to support this, but we need a more specific question. Councilor Williams stated that we do not have the money this year in our budget to build this and if they can tell us what the bare minimum to build this would be. Mr. Pollock stated that is what he wants to achieve at least getting something up for the irrigation would be ideal and as the budget comes in we proceed further.

B. Special Event Permit Application  
-Cub Scout Day Camp

Cochran moved and Heleker seconded a motion to approve the Special Event Permit Application for the Cub Scout Day Camp.

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

C. Special Event Permit Application  
-Payette School District, Summer Lunch Program  
-Request for Waiver of Fees

Mussell moved and Williams seconded a motion to approve the Special Event Permit Application from Payette School District lunch program and waive the associated fees.

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

D. Approval of Findings of Facts and Conclusions of Law  
-Babichenko Annexation

Hanigan moved and Cochran seconded a motion to approve the Findings of Facts and Conclusions of Law for the Babichenko annexation.

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

- E. Ordinance 1303 – AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTH OF VISTAIR SUBDIVISION, EAST OF SCOTCH PINES ROAD, AND SOUTH OF AIRPORT ROAD, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBITS “A” AND “B”, ALL SITUATED IN PAYETTE COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE CITY LIMITS; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LAND AS A –RESIDENTIAL; DESIGNATING THAT PROPERTY DESCRIBED IN EXHIBITS A AND B AS A CATEGORY B ANNEXATION; MAKING VERTAIN FINDINS IN THE OFFICIAL MINUTES OF THE CITY CLERK; PROVIDING THAT COPIES OF THIS ORIDINANCE 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

Williams moved and Heleker seconded a motion to introduce Ordinance 1303 by Title only.

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

Hanigan moved and Cochran seconded a motion to suspend the rules and pass Ordinance 1303 on its first reading.

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

Nelson moved and Williams seconded a motion that Ordinance 1303 due pass.

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

- F. Support of Application of Edward Byrne Memorial Justice Assistance Grant

Mayor Henderson stated that this particular grant was brought to our attention by SAGE at the last meeting that I attended and we would like the council's approval on the application.

Cochran moved and Williams seconded a motion to approve the support of the application for Edward Byrne Memorial Justice Assistance Grant.

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

G. Snake River Economic Development Alliance  
-Letter of support and Fiscal Contribution

Mayor Henderson stated that the alliance is being formed between Payette, Washington, and Malheur counties to promote economic opportunities. The alliance includes government entities as well as business partnerships throughout the tri-county area. Councilor Williams, Clerk Cordova, and myself have been involved in this from the very beginning. We allotted \$10,000 last year for this and I think we should do the same and this would be for the 2010 budget year. Councilor Williams stated that I think we should keep in mind that not only is this a letter of support to this group, but we are informally talking about what we are going to do when the budget comes up and \$10,000 to this and still have economic money for Payette.

Mussell moved and Williams seconded a motion to approve the letter of support for three years and fiscal contribution of \$7,500 to the Snake River Economic Development.

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

H. Request of Code Compliance  
-Gold Ridge Estates Weed Control

Aaron Sobers – 2855 Center Ave; Payette, ID

I thank Mr. Lancaster for what he did do in disking around our property, but we still have those big tall weeds that are growing and when they die they are going to be a big fire hazard. We are asking that the fields be mowed or something. Across the street from Mr. Lancaster there is a gentleman who has horses on his property and that helped keep the weeds to a minimum and maybe Mr. Lancaster could do something like that. We don't want to be nagging at him or him upset with us, we just want to get this completed.

Jane Young – 2875 Center Ave; Payette, ID

The back of my property faces the county. Also, the city code and annexation rules is more than what the fire department requires and nothing has been cut or disked around our property ever. The job being done is insufficient because we have two people that come and disk our property and the job they do is way better than the people he hired. Also, what has the city or Lancaster done to justify our tax increase or annexation? Mayor Henderson stated that we do plan on having the de-annexation meeting on the next meeting agenda is that correct? Clerk Cordova

stated that we have to go through advertising and publically advertise. Mayor Henderson stated that the process for de-annexation is the same as annexation, but it is already in motion. Mrs. Young wanted to ask Mr. Lancaster if they live in City limits. Mayor Henderson stated that he will have his chance to come up and speak. Mrs. Young stated that the surrounding fields would be mowed, but nothing has changed except my taxes going up and we are retired senior citizen. Also, how can you impose rules and regulations on us and not the Lancaster's? Also, what is going to happen this summer when the fields are dry again, there will be another fire; we have had four since we lived there. Just to tell you how the fields have been cleaned up, a tire in the five acres in front of us has been in that property for two months and no one has picked it up. Councilor Hanigan stated that you said you have had four fires, were they on your property or foothill fires. Mrs. Young stated that they have been around us on the county side. Mayor Henderson asked Mrs. Young what the county does to keep the weeds down. Mrs. Young stated that they have horses and there was still a fire on the property.

Gene Lancaster – 11428 Scotch Pines Rd; Payette, ID

I am trying to recall any fires on my property and I don't recall any. I would love to put horses out there, but we don't have the property fenced, but we cannot do either one by law. The reason being there is a contract between Starks and McCain middle school that there cannot be any livestock on that property that was the dairy farm, and two head of cattle is all that is part of the option agreement. Maybe we could get special permission for that but I don't know if we can. We received an email from Mary on April 8<sup>th</sup> and it says "we have had complaints from neighbors surrounding your property regarding the weeds and garbage on the property". The garbage I think they are talking about is the rental house and they didn't have a garbage can right away and they had some bags that got ripped open and garbage blew everywhere, but it has since been cleaned up. "The Chief of Police and the Fire Chief have went out and they determined that if you can disk two rows of the perimeter of the property (we did three) that should suffice for weed firebreak control for this season. This would be in lieu of mowing or disking the entire property and this would meet the wild fire mitigation as agreed upon in Section 2.2 in the annexation agreement. This really needs to happen sooner rather than later. The brush and grass are still fairly damp and I'm not sure how much the weeds will grow during the summer, but we need to make sure at least the perimeter stays below 8 inches" I'm sure having disked early in the season, I'm sure it will grow back and we will have to mow it again later on. In response to mowing around the 5 acre parcel, we mow around the whole perimeter of the property. Mrs. Young's property is like a slice in the middle of ours, but Goff's subdivision is behind it. We go up Center Avenue, Payette Heights Road, and all the way down the Goff's property and behind all the homes on Center Avenue. What we have tried to do is make a fire break from all sides. Now if Mrs. Young would like us to come out and mow the side of her property we will do that. We go this email and we hired a person to do that job and it has been done. Mayor Henderson stated that the Police Chief, Fire Chief have talked to you about a fire break around there, we were trying to work out some type of compromise. We understand that the economic down turn isn't your fault, our fault, or the people back there's fault and you would have loved to have been building houses. We out of the kindness of our hearts wanted to work out some kind of agreement where you wouldn't have to mow the entire property. Mr. Lancaster stated that I would ask if we have to mow our entire property you make the other people do the same. Mayor Henderson stated that the code clearly states that because you are in the city you should have to cut all your

weeds just like everyone else, so I wanted this to come in front of the council to get their opinion as to what to do. Mr. Lancaster stated that we did what we were asked to do.

Councilor Williams asked if you are disking on all three sides of the Young's property. Mr. Lancaster stated no, there is such a big fire break on both sides of the property. Councilor Williams stated that I think you could disk around their property that would be appropriate. Also, the grass that is not disked how tall is that. Chief Sands stated that it's a lot of ground and a lot of barrow pit. Mr. Lancaster stated that we have an old shack that is close to one of the neighbor's house and I know they are concerned and I would like to get a burn permit to get that down. Mayor Henderson asked Bert if he would have to apply for an exception or a permit to do something other than the ordinance. Attorney Osborn stated that yes; he would need to apply for the permit. Mayor Henderson stated that you have to apply for a permit for you to not cut the weeds or you could do like the other folks here and apply for de-annexation. Clerk Cordova asked Attorney Osborn what type of a permit Mr. Lancaster would need, would it be a permit to grow weeds. Attorney Osborn stated that a letter would suffice. Clerk Cordova stated that we just had an annexation tonight and those people have been advised that they have to mow their weeds now that they are in city limits. We did try to make a compromise because we were receiving complaints from citizens and they didn't like the compromise. Councilor Hanigan stated that there was a comment about an open well, can you address that. Mr. Lancaster said there was old well but it has been capped. Mayor Henderson asked Mr. Sobers to explain the well issue that he talked about in his letter. Mr. Sobers stated that there is a large well that they dumped sand and dirt down and this cannot be done without getting a permit. Mayor Henderson stated that if someone was trespassing on his property they might fall in the well. Mr. Sobers stated correct. Councilor Hanigan asked Clerk Cordova if the city is responsible for the mowing of the road side weeds and snow removal. Clerk Cordova stated yes, and the guys sprayed the weeds last week as well as snow removal.

I. Authorization to Dispose of Outdated Water Meters

Hanigan moved and Williams seconded a motion to authorize the disposal of outdated water meters.

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

**DEPARTMENTAL REPORTS**

**A. Engineer's Report**

**B. Payette Police Department Monthly Statistics, January through March, 2009  
- March 2009**

**CITIZENS COMMENTS**

Gene Lancaster – 11428 Scotch Pines Rd; Payette, ID

Mrs. Young was questioning where I lived in the city limits or not. No, I do not live in the city but I own 78 acres in the city and I pay \$15,000 a year in taxes.

Councilor Williams-

As all of you are aware the Fruitland, Payette County, and Malheur County have decided to renew their funding for the Snake River Transit. Ontario has kind of been a hold out and there was a presentation to Ontario City Council. No decision was made, but it was very positive.

**MAYOR'S COMMENTS**

- ❑ Next meeting will be Monday, May 18<sup>th</sup> at 7:00 PM
- ❑ Skate Park is in need of attention. We are aware of this problem and will be notifying the council of our plans in the near future.
- ❑ Our parks department has been giving the "Y" a face lift and it looks beautiful.
- ❑ I am currently looking at options to make crossing Highway 95 easier to cross during the construction of 7<sup>th</sup> Avenue North.
- ❑ Please take advantage of the Apple Blossom events.

**ADJOURNMENT**

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

After a unanimous voice vote, the motion CARRIED, and the Council adjourned at 8:24 PM.

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

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

ATTEST:

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