

**MINUTES
PAYETTE CITY COUNCIL
REGULAR MEETING
July 2, 2007**

6:30 PM Public Hearing

1. An application by Montesa Development, Inc. 420 Sherry Rd., Nampa, ID, for ANNEXATION & ZONING to B-Residential, contingent upon requested annexation. Property to be annexed includes approximately 7 acres at the Northwest corner of 7th Avenue North and Highway 95, and is described as following:

Commencing at a found 3 inch diameter brass disk marking the SE corner of said SW 1/4, (South 1/4 corner), said corner bears S. 89° 11' 52" E., a distance of 2637.83 feet from a found 3 inch diameter brass disk marking the SW corner of said SW 1/4, (Section corner common to sections 27, 28, 33 and 34);

Thence along the southerly boundary of said SW 1/4, N. 89° 11' 52" W., a distance of 804.50 feet to a point;

Thence N. 00° 41' 26" E., a distance of 491.03 feet to the *POINT OF BEGINNING*, said point monumented with a found 1/2 inch diameter iron pin stamped " Mullinix PE/LS";

Thence N. 89° 14' 24" W., a distance of 63.70 feet to a found 5/8 inch diameter iron pin stamped " Bi-State PLS 797";

Thence N. 00° 41' 47" E., a distance of 18.03 feet to a point;

Thence N. 89° 11' 52" W., a distance of 311.11 feet to a found 5/8 inch diameter iron pin stamped " Neitz PLS 797";

Thence N. 00° 41' 42" E., a distance of 800.01 feet to a found 5/8 inch diameter iron pin stamped " Bi-State PLS 797";

Thence S. 89° 12' 00" E., a distance of 374.73 feet to a found 1/2 inch diameter iron pin stamped " Mullinix PE/LS";

Thence S. 00° 41' 24" W., a distance of 818.00 feet to the *POINT OF BEGINNING*.

2. An application by Montesa Development, Inc. 420 Sherry Rd., Nampa, ID for a preliminary plat for Montesa Subdivision. Property consists of approximately 9 acres and is located near the Northwest corner of 7th Avenue North and Highway 95.
3. An application by Montesa Development, Inc., 420 Sherry Rd., Nampa, ID, for a variance to reduce the right of way within a subdivision on local roads from 60 feet to 50 feet.
4. An application by Montesa Development, Inc., 420 Sherry Rd., Nampa, ID, for a variance to allow for the construction of a temporary cul-de-sac approximately

245' beyond the 400' limit, (PMC Section 16.12.040G), in the new proposed Montesa Subdivision.

With the concurrence of the applicant, all applications by Montesa Development were heard simultaneously.

Amy Woodruff, 17 12th Ave South, Nampa, Project Engineer for Montesa Development, explained that Mr. Washburn is requesting annexation of 6.91 acres with a zoning designation as B-Residential. It will be included in phase one of the preliminary plat which is being considered tonight. The zoning matches all of the zoning around it, and it does fit in to the comprehensive plan.

Ms. Woodruff displayed phase one of the preliminary plat. It will be a mixed use project with commercial strip along US 95 and a residential section. There will be only one access off of US95. The first phase of the project consists of 25 lots, which will be developed on 7.44 acres. The average building lot size is 8,673 square feet, which is about 45% larger than the required 6,000 square foot lot minimum size allowed in that type of zoning. North 15th Street will provide access to the commercial lots in future phases. There will be an emergency access through a 20 foot strip of land accessed off of 7th Avenue North. It is owned by Montesa Development.

The streets of Montesa will be paved with curb, gutter and sidewalk which will be owned and maintained by the City. The streets will be constructed with a 50 foot right of way with the exception of 15th, which will be a 60 foot right of way. City Code does cite 60 feet for a local road right of way. They are requesting a variance from that requirement to 50 feet. Ms. Woodruff wanted to be clear that the road width would be constructed the same as if it were a 60 foot right of way. The roadway footprint will be the same. The request is supported by staff.

Woodruff continued that a temporary turn around, as approved by the fire department, will be placed at the end of Santarita Drive. It will be an easement area, and will be abandoned when the street is extended through in phase 2 or 3. One of the variances requested tonight is the length of the cul-de-sac. Code requires no greater than 400 feet, but they are asking for 645 feet for the first phase of the subdivision.

The project will be served by water and sewer in two different locations, on North 15th, and through the utility corridor. The water system will be moved through the project. We plan to run a 12 inch main line all the way through to North 17th in the future.

Councilor Heleker asked what will reducing the right of way will do for the developer. Woodruff explained that the bulk of the project will be built out in two additional phases. Regarding the right of way, it just reduces the area that the city owns and maintains, and allows folks to use and enjoy the area, and put their fences closer to the sidewalk.

Councilor Mussell asked what the timeline is for the phases. Woodruff said they would like to bring phase one on this fall. The rest will be depending on the market.

Councilor Williams asked if Santarita would someday go through the O'Connor property. Woodruff stated that will be up to the City and the O'Connor's. We stubbed it to the O'Connor's because that will be their only access to a paved, public road. If they want to bring a public road off of a corridor easement, the city might have heartburn with that. To facilitate the orderly development of the area, and provide for connectivity, they did opt to stub the street to the O'Connor property. Williams questioned that there is not a lot of room on the O'Connor's property without tearing down a shed.

Susan Wildwood, attorney for Mr. Washburn, clarified that one of the things that is not on the preliminary plat is the proposed commercial lots. Originally they wanted to bring in one of the

commercial lots at the time of the first phase, but there was an issue with ITD and the County with property in that area. They want to close the gap with ITD and the County on the strip of land along 95 that fell between the cracks when the original plat was done. There was a recent letter from ITD saying they want 5 lanes in that area. The goal is to get to the commercial lots as soon as possible, hopefully in the next phase. They have already received their access letter for Montesa Drive on to 95.

Wildwood continued that with regard to phases, it does depend on the market. When phase one is up and running, hopefully they can move forward immediately with phase two. All of the roads will be coming out to another main road. In regard to the road width, there are two previous cases where the council approved a local road right of way of 50 feet.

City Engineer Doug Argo said the cul-de-sac at the end of Santarita was discussed in regards to how it will remain until the road extends to the north. That temporary turn around would have to meet our code for dead ends and stubs, and it will have to remain in place until the road connects to the south. The variance requested for the distance; it exceeds the four hundred foot requirement, and it goes away when Santarita is extended to the north. Heleker asked how long it could remain without that extension. Argo stated that we assumed that the next development would occur within 5 years. Mayor Henderson stated that cul-de-sac should be permanent until the road extends to the south.

Argo continued that staff is in support of reducing the right of way width because it won't change the physical features of the road; it just changes where the property line is. In regards to the sewer connection on 15th, it is quite shallow; he would like clarification on how it will hook in at that point.

Councilor Williams asked if there needs to be a lift station out here. Argo replied that the ground drops away to the north, and the sewer has to flow to the south, at some point a lift station will be required. We had mentioned that at previous meetings with the developer, so they know at some point they will need a lift station. Williams stated that all of the north south streets in the City are numerical, are we now saying that no longer exists? Argo preferred that the roads that line up with our grid remain numbered.

Chief Sands stated that the emergency access road, we will require at a bare minimum a chain with a knox system on it. Regarding the cul-de-sac, he did not have any objections as long as it is surfaced. Chief Sands asked to see where the hydrant placement will be in the proposed project.

Amy Woodruff stated that they understand that in order for the temporary cul-de-sac to be abandoned, they will have to connect Santarita all the way to 7th Avenue North. In terms of the lift station, it won't be required until further in the development, and they are aware of it. In terms of the street names, she did not believe that Mr. Washburn cared. They can change it to whatever the City wants. Ms. Woodruff stated that they will place the hydrants wherever the chief will want them, and the same with the knox box.

No other comments were heard.

7:00 Regular Meeting

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

ROLL CALL

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

Members Absent: None

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

PLEDGE

Mayor Henderson led the Pledge of Allegiance.

APPROVAL OF MINUTES

A. 6/18/07 Regular Meeting Minutes & Public Hearing

A motion was made by Heleker and seconded by Williams to approve the regular meeting minutes of 6/18/07 with noted corrections.

Hearing no objections, the meeting minutes were APPROVED.

APPROVAL OF BILLS & PAYROLL

A motion was made by Williams and seconded by Nelson to approve the City Bills & Payroll in the amount of \$307,575.65.

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

The motion CARRIED.

COMMUNICATIONS

No comments heard.

SPECIAL ORDERS

None heard.

PLANNING & ZONING

None heard.

UNFINISHED BUSINESS

**A. A & W Cruise Night – Rashelle Boyer
~ Use of Public Parks, and Open Containers in Parks & Downtown**

Rashelle Boyer, 11495 Hill Road, Payette, addressed the Council. She announced this will be the 19th Annual Cruise Night. The crowd they have been pulling for the last two years, the downtown crowd on Friday night, has been the locals. The locals are the ones

who get the sponsors. Kevin and Helen had a great idea to move the entertainment to Friday night when all of the locals are there, and that makes it more justifiable to the sponsors. They want to close off Main Street on Friday, September 7, at 4 to 11 PM. They also want open containers on Main Street and Bancroft Park. They also want to close off Center Avenue along Bancroft Park for a street dance. The cars will be cruising up and down Main, and the chili cook off will be going on. They now have over 22 entrants for the cook off. They have talked to the Chancellors and they are blocked for both dates. After the awards are given out on Saturday, the cruisers are gone. The crowd we are drawing in will not keep the sponsors coming back year after year. They want to close off Kiwanis Park and allow open container in the park from 11 to 6 PM. Boyer pointed out that the band will be on Center Avenue.

Boyer continued that they may have an electrician come and look at the power situation in Bancroft. It will be at their expense.

Councilor Klitch asked Chief Clark if he had any issues with the open container or street closures. Clark noted that he had no objections, and they had no problems last year. He would like to have the street closure signs up by noon at the latest.

A motion was made by Councilor Klitch and seconded by Councilor Hanigan to grant the use of Kiwanis Park for the A & W Cruise night on Saturday with open container from 11am to 6 pm, and on Friday night, the closure of Main Street from the flag pole to A & W, and close Center Avenue from Main Street to 9th Street from 4 pm to 11pm, with open container including Bancroft Park.

After a unanimous affirmative voice vote, the motion CARRIED.

NEW BUSINESS

A. Approval of an Annexation Agreement with Montesa Development, Inc.

A motion was made by Hanigan and seconded by Williams to approve the annexation agreement with Montesa Development, Inc.

After a unanimous voice vote, the motion CARRIED.

B. ORDINANCE NO. 1281 AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTH OF 7th AVENUE NORTH, WEST OF US HIGHWAY 95, 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 EXHIBIT A AS A CATEGORY A 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

A motion was made by Klitch and seconded by Mussell to introduce Ordinance 1281 by title only.

After a unanimous voice vote, the motion CARRIED.

City Clerk Cordova read Ordinance 1281 by title only.

Councilor Klitch asked if staff had any concerns with this ordinance. City Clerk Cordova stated staff supports this ordinance.

Heleker moved and Nelson seconded a motion to suspend the rules and pass Ordinance 1281 on its first reading.

After a unanimous voice vote, the motion CARRIED.

C. VARIANCE REQUEST - An application by Montesa Development, Inc., for a variance to reduce the right of way within a subdivision on local roads from 60 feet to 50 feet

A motion was made by Mussell and seconded by Williams to reduce allow a variance to reduce with right of way within Phase 1 of Montesa Subdivision from 60 feet to 50 feet with the exception of 15th Street.

After a unanimous voice vote, the motion CARRIED.

D. VARIANCE REQUEST - An application by Montesa Development, Inc., for variance to allow for the construction of a temporary cul-de-sac approximately 245' beyond the 400' limit, (PMC Section 16.12.040G), in the new proposed Montesa Subdivision

A motion was made by Klitch and seconded by Williams to allow a variance to PMC 16.12.040 G, and allow the construction of a temporary cul-de-sac at the end of Santarita Drive extending approximately 645 feet, to sunset at the end of five years or until Santarita Drive is completed to 7th Avenue North.

After a unanimous voice vote, the motion CARRIED.

E. PRELIMINARY PLAT – An application by Montesa Development, Inc., for proposed Montesa Subdivision at the corner of Highway 95 & 7th Avenue North

A motion was made by Williams and seconded by Klitch to approve the preliminary plat application by Montesa Development for Montesa Subdivision.

After a unanimous voice vote, the motion
CARRIED.

**F. ORDINANCE 1282 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 7 IN TITLE 2 ESTABLISHING A MUNICIPAL AIRPORT COMMISSION; PROVIDING FOR ITS COMPOSITION; ALLOWING TWO RURAL PAYETTE COUNTY RESIDENTS TO SERVE ON THE COMMISSION; ALLOWING FOR MEMBERSHIP BY APPOINTMENT AND CONFIRMATION; ALLOWING FOR REMOVAL; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER:
~FIRST READING**

A motion was made by Klitch and seconded by Mussell to introduce Ordinance 1282 by title only.

After a unanimous voice vote, the motion
CARRIED.

City Clerk Cordova read Ordinance 1282 by title only.

Mayor Henderson stated as we were working through the cooperative agreement with the County, we discovered that the airport committee was the only committee directed by the City which in some way was not defined by ordinance. Henderson explained that we worked with the airport committee to come up with some minimum standards that are tied to this ordinance. City Clerk Cordova noted a correction in the title to allow two rural county residents to serve on the commission.

Mussell asked if the staff has any problem with passing this at the first reading. Cordova explained there was no problem passing it tonight, but it would be nice to pass it to second reading to give the public more opportunity to comment on the ordinance.

Councilor Williams asked how the document was put together. Cordova explained that it was pulled together from a lot of different places. After conducting a lot of research, and seeing what other cities in the state do. As far as the Minimum Standards, we gleaned those from another airport, and molded it to fit with ours. Williams stated that he is hesitant to railroad this through, and would like to have another reading.

A motion was made by Klitch and seconded by Heleker to move Ordinance 1282 to its second reading.

After a unanimous voice vote, the motion
CARRIED.

G. Resolution 2007-05 ~ Motion to Increase Water and Sewer Rates by the Annual Consumer Price Index

Councilor Mussell asked when the change will take effect. Cordova stated it will take effect with the August 1st billing.

Councilor Williams noted on page 88, the second paragraph, why did the recommendation come forward with a flat 4% increase. Cordova explained that the 2006 CPI was for the twelve months of that year, and came in at 4.83%. Through July 1, 2007, the numbers were estimated and came in at 4.3%, so it looks like the trend may be going down. We have the ability to adjust up to 5%, but not wanting this to not be a huge shock to the ratepayers, and after analyzing the CPI trends, we recommend an even 4%.

Klitch moved and Nelson seconded a motion to approve Resolution 2007-05.

At the roll call:

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

Nays:

The motion CARRIED.

H. Comment on Transfer of Development Right – Moore

City Clerk Cordova informed the Council that the Payette Planning and Zoning Commission at their regular meeting of June 28, had no objection to the transfer of this development right. After staff review, there were no objections to the TDR.

Mussell moved and Klitch seconded a motion to make a favorable recommendation to the County Planning & Zoning Commission for the TDR.

After a unanimous affirmative voice vote, the motion CARRIED.

DEPARTMENTAL REPORTS

Written reports were presented to the Council.

CITIZENS COMMENTS

None heard.

MAYOR'S COMMENTS

Mayor Henderson informed the Council of the following:

- Next week we will be having our community review.
- Planned on having a photographer at a future meeting to take a picture of the Council.
- Set a work session date of July 12 at 4:30 PM to discuss the FY08 budget.

EXECUTIVE SESSION

Mussell moved and Heleker seconded a motion to recess into Executive Session To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. Idaho Code § 67-2345(1) AND to consider the evaluation, dismissal or evaluation of, or to hear complaints or charges brought against a public officer, employee, staff member, individual agent or public school student.

After a unanimous affirmative voice vote, the motion CARRIED and the Council recessed into regular session at 7:40 PM.

Councilor Klitch moved and Heleker seconded a motion to reconvene into regular session.

After a unanimous affirmative voice vote, the motion CARRIED and the Council reconvened at 8:40 PM.

ADJOURNMENT

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

After a unanimous voice vote, the Council adjourned at 8:40 PM.

Signed this _____ day of _____, 2007.

DOUGLAS E. HENDERSON, Mayor

ATTEST:

Mary Cordova, City Clerk