



**AGENDA  
PAYETTE CITY COUNCIL  
MAY 16, 2011  
REGULAR MEETING**

**HONORABLE MAYOR JEFFREY T. WILLIAMS PRESIDING**

**GEORGIA HANIGAN      MARK HELEKER  
LEE NELSON            IVAN MUSSELL  
KATHY DODSON        LES COCHRAN**

**7:00 PM – Regular Meeting**

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XIII.	CITIZEN’S COMMENTS <i>(Limited to 5 minutes per person, at the discretion of the Mayor)</i>	
XIV.	ADJOURNMENT	

***All meetings of the City Council are held at Payette City Hall, in Council Chambers, unless otherwise posted. The public is invited and encouraged to attend. Special accommodations will be made in order to participate in the above noticed meeting by contacting the City 5 days prior to the meeting at 642-6024***

**PAYETTE CITY COUNCIL  
REGULAR MEETING  
May 2, 2011**

**6:30 PM – Public Hearing**

City Attorney, Bert Osborn opened the public hearing at 6:30 PM and read the public hearing notice.

A request by Chester G. and Sandra Boren to be DE-ANNEXED for property at 2089 North 6<sup>th</sup> Street, Riverside Plat, A portion of Block 3, situated 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 beginning; thence East 385 feet, more or less, to the point of beginning. The property is B-Residential.

Chet Boren, 2089 North 6<sup>th</sup> Street, Payette, Idaho, addressed the Council. He is requesting the de-annexation of the property. He is surrounded by the Snake River, a park and a cemetery. He doesn't use city services and is a triangle all by himself. Water and sewer services are too far away and it would cost \$60,000 to connect to the City's system. The state said he can't put another septic system on his property because it's too small and there are three wells on the property. The job of the City is to provide services to citizens. He and his wife have lived in the house for 45 years and they don't want to move. They will have to if they're not de-annexed. This town likes to spend money with the tajmahal of fire stations and the 7<sup>th</sup> Avenue North road to nowhere. Why doesn't the town curb speeding and put money into things that need to be taken care of? Some laws are good, some are bad and forced annexation without water and sewer is a bad law. The Council needs to do what's right and de-annex his property.

The Mayor asked Mr. Boren how de-annexation would help his sewer problem. Mr. Boren said Health Department is the path of least resistance. Councilor Mussell asked Mr. Boren if his septic system is condemned because of annexation and he stated it's because of violation of Southwest District Health Standards. Councilor Heleker asked if it would cost \$60,000 to connect to our system. Randy Schwartz, WWTP Superintendent, said yes, close to it.

Sandra Boren, 2089 North 6<sup>th</sup> Street, addressed the Council. She said she's lived over half of her life in that house and bringing her into the City will destroy her way of life and deny her rights. Hell hath no fury like a woman scorned. Councilor Hanigan asked her what freedoms she would be losing? Clerk Cordova stated property and current animals are able to remain as is until altered.

Chad Boren, 2091 North 9<sup>th</sup> Street, addressed the Council. He said it's cheaper for him to live in the County and that property isn't surrounded by City property as required by law. The police doesn't patrol down there now. Why can't they follow the same timeframe as ordinance 1275 and the house is 1200' away from a water or sewer line. They've been paying \$10.75 per garbage services not rendered.

Mary Cordova, City Clerk, said the RV dump in Centennial Park is the closest sewer line and there was a sewer problem on the Boren's property before the annexation. Ordinance #1275 which Mr. Boren referred to was the area known as Gold Ridge Estates and the City was aware the owner was not going to develop as planned.

There being no further testimony, Attorney Osborn closed the public hearing at 7:12 PM.

### **7:00 PM – Regular Meeting**

A regular meeting of the Payette City Council was called to order at 7:12 PM by Mayor Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

#### **ROLL CALL**

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

Members Absent: None

Staff Present: Mary Cordova, City Coordinator/Clerk; Randy Schwartz, Wastewater Supervisor; Doug Argo, City Engineer/Holladay Engineering; Jamie Couch, Street Supervisor; Bert Osborn, City Attorney; Jennifer Kelley, Deputy Treasurer/HR; Mark Clark, Police Chief; Dave Platt, Police Captain

A motion was made by Heleker and seconded by Mussel to amend the agenda adding change order #5 – Fire Station under New Business.

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

#### **PLEDGE**

Chet Boren led the Pledge of Allegiance.

#### **CITIZENS COMMENTS**

None.

#### **APPROVAL OF MINUTES**

A motion was made by Heleker and seconded by Cochran to approve the regular meeting minutes of 04/18/2011 and work session and special meeting minutes of 04/25/2011 as written.

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

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

A motion was made by Dodson and seconded by Hanigan to approve the City Bills & Payroll in the amount of \$167,372.77.

At the roll call:

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

Nays:

The motion CARRIED.

#### **SPECIAL ORDERS**

unanimous voice vote by the Council, the motion CARRIED.

**COMMUNICATIONS**

- A. Sterling Tree City USA Certificate
- B. Snake River Transit Ridership Summary
- C. Correspondence from Denny Croner ~ Code Enforcement Officer

**PLANNING & ZONING**

- A. 04-28-2011 Finding of Facts ~ Chester G. & Sandra Boren

**OLD BUSINESS**

None

**NEW BUSINESS**

- A. Apple Blossom Committee: Committee members Twana Morin and Kathy Clements addressed the Council with a report on the upcoming Apple Blossom festivities. This year they would like to add a beer garden in Central Park and the power issues in the past should be solved.
- B. De-Annexation request for Chester G. & Sandra Boren:

A motion was made by Mussell and seconded by Dodson to approve the de-annexation request for Chester G. and Sandra Boren as described.

At the roll call:

Ayes: Dodson, Mussell

Nays: Hanigan, Nelson, Mussell, Heleker

The motion FAILED.

- C. Ordinance #1342 – AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.64.06 IN CHAPTER 17.64 OF TITLE 17, BY CHANGING THE 120 SQUARE FEET REQUIREMENT TO 200 SQUARE FEET; SETTING EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER – 1<sup>st</sup> Reading:

A motion was made by Cochran and seconded by Mussell to introduce Ordinance #1342 by title only.

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

A motion was made by Hanigan and seconded by Heleker to suspend the rules and pass Ordinance #1342 on its first reading.

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

A motion was made by Heleker and seconded by Heleker that Ordinance #1342 to pass.

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

D. Payette County Historical Society ~ Budget Donation Request: This item will be referred to the Administration and Finance Committee.

E. Treasure Valley Transit ~ Budget Donation Request: This item will be referred to the Administration and Finance Committee.

F. Special Event Permit ~ Library Summer Reading Program:

A motion was made by Heleker and seconded by Dodson to approve the special event permit for the Library Summer Reading Program.

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

G. Special Event Permit ~ Apple Blossom Festival: This year the festivities, in addition to the normal activities, include a beer garden in Central Park. Councilor Dodson abstained from voting because her business is catering the beer garden. Police Chief, Mark Clark, reminded Ms. Clements and Ms. Morin of state law governing beer gardens.

A motion was made by Mussell and seconded by Nelson approve the special events permit for the Apple Blossom Festival and the approve the beer garden in Central Park contingent upon the police chief's approval.

After a unanimous voice vote by the Council with Councilor Dodson abstaining, the motion CARRIED.

H. Fireworks Show Permit ~ Homeland Fireworks, Inc:

A motion was made by Heleker and seconded by Hanigan to approve the fireworks show permit.

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

I. Mobile Food Vendor Permit ~ Wilfrido Perez:

A motion was made by Heleker and seconded by Hanigan to approve the mobile food vendor permit for Wilfrido Perez as presented.

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

J. Change Order #4 - KEPHA Construction ~ Fire Station:

A motion was made by Mussell and seconded by Dodson to approve Change Order #4 in the amount of \$1,805.98 to KEPHA Construction.

At the roll call:

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

Nays:

The motion CARRIED.

**K. Change Order #5 ~ KEPHA Construction ~ Fire Station:**

A motion was made by Heleker and seconded by Hanigan to approve Change Order #5 in the amount of \$8,977.27 to KEPHA Construction.

At the roll call:

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

Nays:

The motion CARRIED.

**L. Change Order #1 ~ KEPHA Construction ~ Library:** Clerk Cordova explained the change order is for a handicapped ramp on the side of the building. The Council discussed temporary ramps and wanted more information for the work session.

A motion was made by Heleker and seconded by Mussell to table the item.

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

**M. Special Event Permit ~ Payette Kiwanis ~ Carson & Barnes Circus:** Carson & Barnes Circus will be in town in June for one day with two shows on the property south of the bus barn. The Kiwanis Club will be sponsoring the event. The Kiwanis Club paid the \$5 circus permit, but asked for the special events permit fee to be waived.

A motion was made by Heleker and seconded by Mussell to approve the special event permit for the Carson & Barnes Circus and waive any additional fees.

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

**N. Public Safety Committee Appointments:** The Mayor offered Barbara Choate for appointment to the committee.

A motion was made by Heleker and seconded by Cochran to approve the appointment of Barbara Choate to the Public Safety Committee.

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

**O. Mobile Food Vendor Permit ~ Apostolic Assembly Church**

A motion was made by Heleker and seconded by Nelson to approve a mobile food vendor permit for the Apostolic Assembly Church.

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

**DEPARTMENTAL REPORTS**

A. GJZ Architecture ~ Payette Fire Station Field Report FR 15

**MAYOR'S COMMENTS**

Mayor Williams said Payette Pride was a success and City employees picked up a lot of garbage along the side of the road and city property to enhance our corridors.

**CITIZEN'S COMMENTS**

None were heard.

**ADJOURNMENT**

A motion was made by Heleker and seconded by Mussell to adjourn to at 8:15 PM.

The motion CARRIED.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Jeff Williams, Mayor

ATTEST:

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

CITY OF PAYETTE

Claims by Vendor Report  
For the Accounting Period: /

05-16-11

Vendor	Claim #	# of Lines	Date Accepted	Check	Amount
288 ACS	CL 4469	1	05/12/11	4864	2,456.69
43 ACTION COURIERS, INC.	CL 4470	1	05/12/11	4865	24.78
75 ALBERTSON'S FOOD CENTER #168	CL 4546	7	05/12/11	4866	428.54
ALEXANDER CLARK BUSINESS FORMS	CL 4472	1	05/12/11	4867	290.81
110 ANALYTICAL LABORATORIES, INC.	CL 4547	2	05/12/11	4868	118.00
6101 APPLE BOOKS	CL 4475	1	05/12/11	4869	208.22
140 ARGUS OBSERVER	CL 4477	1	05/12/11	4870	124.50
230 BAKER AND TAYLOR	CL 4478	1	05/12/11	4871	42.47
241 BARNES AND NOBLE, INC.	CL 4479	1	05/12/11	4872	579.65
6107 BNS	CL 4548	2	05/12/11	4873	1,621.32
280 BIG SKY SPORTSWEAR	CL 4481	1	05/12/11	4874	117.81
429 BLOOMBERG	CL 4482	1	05/12/11	4875	30.00
329 BRADY INDUSTRIES, INC.	CL 4483	2	05/12/11	4876	454.43
6093 CENTER POINT LARGE PRINT	CL 4484	1	05/12/11	4877	131.22
128 CINTAS FIRST AID	CL 4485	1	05/12/11	4878	147.76
490 CITY CLEANERS	CL 4486	1	05/12/11	4879	209.60
6032 CLARK, MARK A.	CL 4487	1	05/12/11	4880	18.22
544 CLAY BEAK LANDFILL	CL 4488	3	05/12/11	4881	1,622.88
550 CONSOLIDATED SUPPLY	CL 4489	1	05/12/11	4882	75.49
480 COUNTRY WOMAN	CL 4490	1	05/12/11	4883	19.97
6130 DCS TECHNOLOGIES	CL 4491	2	05/12/11	4884	319.95
6161 DESERT MOUNTAIN CORPORATION	CL 4492	1	05/12/11	4885	3,663.05
750 DIG LINE, INC.	CL 4493	3	05/12/11	4886	65.70
859 FIDEX	CL 4494	1	05/12/11	4887	61.15
6166 FERGUSON ENTERPRISES #3204	CL 4495	1	05/12/11	4888	130.67
461 FIELD & STREAM	CL 4496	1	05/12/11	4889	32.97
885 FISHER SCIENTIFIC	CL 4497	2	05/12/11	4890	435.90
891 FLEET SERVICES, HARRIS BANK	CL 4498	10	05/12/11	4891	7,427.06
890 FRUITLAND ELECTRIC	CL 4499	1	05/12/11	4892	11.54
900 FRUITLAND NURSERY	CL 4500	1	05/12/11	4893	370.00
920 GALT'S INC.	CL 4501	1	05/12/11	4894	56.48
616 GARDEN CORRAL	CL 4502	1	05/12/11	4895	18.25
1000 GRANT'S PETROLEUM	CL 4503	1	05/12/11	4896	658.45
617 HISPANIC FOLKLORE DANCERS OF IDAHO	CL 4504	1	05/12/11	4897	150.00
1190 HOLLADAY ENGINEERING, INC.	CL 4505	7	05/12/11	4898	4,593.75
1210 HOLLINGSWORTH, INC.	CL 4506	1	05/12/11	4899	74.11
1370 IDAHO POWER, PROCESSING CENTER	CL 4507	13	05/12/11	4900	14,344.58
1410 INDEPENDENT ENTERPRISE	CL 4508	1	05/12/11	4901	114.38
2870 INTERMOUNTAIN COMMUNITY BANK	CL 4509	15	05/12/11	4902	3,741.17
1430 INTERMOUNTAIN GAS	CL 4510	1	05/12/11	4903	147.26
1444 IRPEED	CL 4511	3	05/12/11	4904	160.00
535 KEPHA CONSTRUCTION	CL 4550	1	05/12/11	4905	230,788.25
KEPHA CONSTRUCTION	CL 4551	1	05/12/11	4941	52,141.77
618 KNOX COMPANY	CL 4512	1	05/12/11	4906	182.00
6131 LINDSAY ECOWATER	CL 4513	1	05/12/11	4907	10.00
562 MATERIALS TESTING	CL 4514	2	05/12/11	4908	1,190.00
619 MAXRY, CORBIN	CL 4515	1	05/12/11	4909	375.00
620 MEARNS'S TREASURES, LLC	CL 4516	1	05/12/11	4910	46.00
6133 MICROMARKETING	CL 4517	1	05/12/11	4911	787.14
999999 JEREMY SWEET	CL 4468	1	05/09/11	4863	10.00
285 MTN. VIEW AUTO UPHOLSTERY	CL 4518	1	05/12/11	4912	190.00

2110	NAPA AUTO PARTS	CL	4519	10	05/12/11	4913	4,098.50
127	ONTARIO FLOORS TO GO	CL	4520	1	05/12/11	4914	315.80
2026	ONTARIO PIPE SUPPLY	CL	4521	1	05/12/11	4915	41.86
1415	OREGON CORRECTIONS ENTERPRISES	CL	4522	1	05/12/11	4916	96.00
2030	OSBORN, BERT L.	CL	4523	1	05/12/11	4917	2,600.00
1760	PAETEC	CL	4524	6	05/12/11	4918	42.45
172	PAPERCLIPS A MORE	CL	4525	15	05/12/11	4919	506.84
888	PAYETTE AUTO SUPPLY	CL	4526	3	05/12/11	4920	1,357.11
458	PAYETTE CIVIC TRAGUE	CL	4527	1	05/12/11	4921	168.00
580	PAYETTE COUNTY CHAMBER OF COMMERCE	CL	4528	1	05/12/11	4922	20.00
231	PAYETTE COUNTY PARAMEDICS	CL	4529	3	05/12/11	4923	28.00
2290	PETTY CASH	CL	4530	2	05/12/11	4924	23.96
167	PUBLISHER'S WEEKLY	CL	4531	1	05/12/11	4925	174.99
621	QUALITY BOOKS, INC.	CL	4532	1	05/12/11	4926	1,412.66
2850	QUEST	CL	4533	10	05/12/11	4927	1,032.52
2396	RHINEHART, LARRY & KATHY	CL	4534	2	05/12/11	4928	1,250.40
2400	ROBERTSON SUPPLY	CL	4535	1	05/12/11	4929	22.47
622	SANTIAM EMERGENCY EQUIP., INC.	CL	4536	1	05/12/11	4930	1,729.99
596	SBBCC	CL	4537	1	05/12/11	4931	42.30
2476	SOUTHWEST HEALTH DISTRICT	CL	4538	1	05/12/11	4932	400.00
2485	SPECIALTY CONSTRUCTION SUPPLY	CL	4539	1	05/12/11	4933	965.00
2540	SPARKS CREDIT PLAN	CL	4540	5	05/12/11	4934	479.10
2670	T. A. WELDING	CL	4541	3	05/12/11	4935	539.06
2730	TOOMBS JANITORIAL	CL	4542	1	05/12/11	4936	104.46
2842	UNITED PARCEL SERVICE	CL	4543	1	05/12/11	4937	16.47
2849	VERIZON WIRELESS, BELLEVUE	CL	4544	9	05/12/11	4938	772.62
123	WIEHOPF DRUG TESTING	CL	4545	2	05/12/11	4939	120.00
6133	XEROX CORPORATION	CL	4545	1	05/12/11	4940	1,479.16
	City Payroll	EM			5-6-11		98968.62
							449,928.38

Total: 98968.62  
449,928.38

# Play Day Proclamation



**Whereas,** play is a crucial factor in the overall well-being of children, and

**Whereas,** play spaces and playgrounds within walking distance of children's homes are missing from many communities and neighborhoods, and

**Whereas,** unstructured, unplanned, spontaneous, and self-motivated play is on the decline, and

**Whereas,** fewer children spend time outside at parks and playgrounds, and

**Whereas,** recess is being shortened or removed from school curriculums, and

**Whereas,** children who play are healthier and suffer less obesity and obesity-related health problems such as diabetes and heart disease, and

**Whereas,** children who play do better in school and develop cognitive skills that are linked to learning and academic performance, and

**Whereas,** children who play learn the social skills that help them become happy and well-adjusted adults, and

**Whereas,** parents, schools, child care centers, nonprofit organizations, businesses, churches, synagogues, mosques, and all interested parties wish to raise this community's children to become healthy, happy, and successful adults,

**Now, Therefore,** I, Jeffrey T. Williams, Mayor of the City Payette, Idaho, do hereby proclaim May 17, 2011 as "Play Day" in the City of Payette, Idaho, and I urge all citizens to celebrate Play Day and support efforts to build and maintain play spaces and playgrounds in their communities and neighborhoods.

**Further,** I urge all citizens to continue to support and maintain play spaces and playgrounds for the well-being of this and future generations.

Dated this 16<sup>th</sup> day of May, 2011

Mayor \_\_\_\_\_

Jeffrey T. Williams -- City of Payette Mayor



## Kittens rescued by Payette City Firemen

A quick thinking unknown gentleman and the Payette Fire Department discovered and rescued three abandoned kittens in a tree across from Central Park on Thursday, May 5th. Ann Curtis, hearing the kittens screaming as she was cleaning outside the museum nearby, looked around and saw a group of Payette City Firemen men standing under a tree at the corner of 1st Ave. S and 9th St. Curtis went to investigate just in time to see one kitten fall and be caught in the hastily removed shirt of Fireman Greg Speulda.

Seeing no other way to get the remaining kittens out of the tree the fire department boom truck was called. Steve Castenada was able to get one more kitten down, but there was one more kitten that couldn't be found.

About 5 p.m. That evening, Fireman Ron Jacobs, came back by the tree, just to check. He got there just in time to catch the last kitten as it fell from the tree.

Animal Control Officer Lois did not have a place to keep the kittens. She already had several she was fostering. The babies are young enough to need special feeding and handling. The firefighters also had no resources to help the kittens. This left Curtis with the job of temporarily fostering the kittens until homes can be found for each of them. If homes cannot be found the kittens will have to be destroyed. She also has four animals at home and can't keep them either.

Curtis, transports the kittens to her home in the evening and to the museum each day.

"There is a black and white one, it's the first one who fell out of the tree. I call him Flyer," said Curtis. "Then there is a cute little gray one with pinkish white fur on his paws and ears, it is temporarily called "Zane" (Zane Grey). The last one is all black and he has been dubbed "Rescue". It was found in the tree later in the day when the firemen came back to check."

They are eating well and are attempting to use the litter box.

The all seem to be healthy, are very people oriented, are not quite litter box trained yet, but they are trying. They just haven't got everything figured out yet.

The actual sex of the kittens is unknown, but anyone wishing to adopt them can call the museum at (208) 642-4883 and leave a message if Curtis is not in. You could also check at City Hall and leave a message with Bobbie Black, a firewoman.



# Donald Dressen Is Retiring!



***Come help us celebrate Don's 19 years of service to Payette County.***

An open house will be held in his honor, May 27, 2011 in the District Courtroom of the County Courthouse from 1:00 - 4:00 p.m.



A note of thanks...

Dear Mayor Williams and  
the Payette City Council:

for your kindness

Your donation of \$1,000 is  
appreciated. We will use the  
money wisely. Thank you.

The Payette County  
Historical Society

**PAYETTE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
March 24, 2011**

**6:00 PM – Regular Meeting**

**ROLL CALL**

Members Present: Randy Choate, Brent King, Gary Youngberg, Larry Hogg, Tom Ladley, Kevin Hanigan

Members Absent: Jim Franklin

Staff Present: Mary Cordova, City Coordinator/Clerk; Tiffany Howell, Assistant Deputy Clerk/Treasurer

**APPROVAL OF MINUTES**

A motion was made by Ladley and seconded by Hanigan to approve the regular meeting minutes of 02/24/2011 as written.

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

**COMMUNICATIONS**

None Heard.

**PUBLIC HEARINGS**

A. A request by Chester G. and Sandra Boren to be DE-ANNEXED for property at 2089 North 6<sup>th</sup> Street, Riverside Plat, A portion of Block 3, situated 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 beginning; thence East 385 feet, more or less, to the point of beginning. The property is B-Residential.

Chester Boren – 2089 North 6<sup>th</sup> Street; Payette, Idaho 83661

Mr. Boren stated that he has lived at the location for 45 years and that the property is located so far out from City services. It is basically an island between the city and cemetery because it is so far out. After speaking with the city manager for the sewer he stated that due to the location and the amount we had to cover and that the sewer is only three feet deep it would be hard to get sewage out there without a pump station. We have had that place out there for so long that I don't see a reason for us to be in the city and with the location of services being so far away I would like to be de-annexed and continue with my lifestyle out there.

Commissioner Hanigan asked if Mr. Boren asked to be annexed. Mr. Boren stated no, he has never asked to be annexed. If he wanted to be annexed he would have subdivided his property and put in the request for annexation. Mr. Boren stated that his son has some things he would have found that he would like to talk to you about.

Commissioner Hogg asked Mr. Boren if the sole reason he wants to be de-annexed is due to the water and sewer being so far away. Mr. Boren stated yes, that is one reason, but the other reason would be the way of lifestyle he is accustomed to. Mr. Boren stated that he only has a few years left

and he would like to stay living the way he has been living. Mr. Boren stated that if he was able to get services out there he would split his property and sell some river front property.

Commissioner Hanigan asked how long he has been annexed into the city. Mr. Boren stated that he has been in the city roughly three months.

Commissioner Youngberg asked how much property was taken in at the time of annexation. Mr. Boren stated that he was a pie shape that was taken in. Mr. Boren stated that there is no city property around him as far as he knows. Centennial Park is across from my property, but is between a state highway. There is a cemetery next to me, but it is a county cemetery, not a city one. Mr. Boren stated that he would ask that those questions be deferred to his son Chad Boren. Commissioner Youngberg stated that Mr. Boren hasn't said anything about taxes yet. Commissioner Youngberg asked Mr. Boren if taxes were an issue to him. Mr. Boren stated no not so much as my way of living out there. I like my lifestyle out there and want it to stay that way. Mr. Boren stated that it will probably double his taxes now and he doesn't see that appropriate with where he lives.

Commissioner Hanigan asked Mr. Boren how he sees the annexation changing his lifestyle. Mr. Boren stated that there is quite a style different between city and county. City living requires a lot more regulations that I don't want to deal with. The county is a little more liberal with the way you can live. I have animals and don't want to be regulated as to what animals I can have. If you park a camper you have regulations and I like to stay away from regulations as much as possible. Most of the reason I don't like regulations is because I'm hard to get along with so I try to stay away from them.

Commissioner Hanigan stated that his recollection of the annexation is that the use will not change as long as you are the owner. Commissioner Hanigan told Mr. Boren that he wrote a letter to the Planning and Zoning Commission and have not addressed any of the items in the letter other than the water and sewer. Mr. Boren stated that you would have to talk to the sewer man about that. He is supposed to be writing a letter. Mr. Boren stated that he was told by Clerk Cordova that water and sewer were available in the park across the street, but when I met with the sewer man he stated that it was only three foot deep there. Mr. Boren asked Mr. Hanigan if you have been involved with the city you know that one day the regulation is this and the next day it is something else. Commissioner Hanigan asked Mr. Boren if to date anything has changed with the use of your property. Mr. Boren stated no, the point being that it could come down the line. We have a body of people that can limit what you can do with your property. Commissioner Hanigan asked if someone in the middle of the city or a different border of the city asked for the same request what would your response be. Commissioner Hanigan also stated that he does understand that your property is a bit unique piece of property. Mr. Boren stated that is what he is trying to stress is that he has a unique piece of property and that if he was in the middle of the city he doesn't even feel he would have a complaint. Mr. Boren stated that he likes his style of living and his property is unique. He does not see what the benefit of the property is and the county patrols the property and he keeps a watchful eye on the cemetery. Mr. Boren stated that if he was in the middle of the city he would see no point and on the flip side since he is on the outskirts he sees no point.

Chad Boren – 2089 North 6<sup>th</sup> Street; Payette, Idaho

Mr. Boren stated that we wished to be de-annexed due to the same reasons that were given to Gerald and Jane Young in Ordinance 1306 and Ordinance 1275 given to the Bear's and Miller's property. In the city's own annexation application it states that the property must be surrounded by city property. Mr. Boren stated that our property is not, it borders Highway 52, the Snake River

Bridge, the county cemetery, and the Snake River itself. The cemetery has been in the city since 1991 and the city does not maintain the road, nor do they maintain river road. The property has also been in the city limits since 1991 and they have not put any street lights out there. The cemetery is not hooked to the city sewer, but was recently hooked to the water. The reason the Council gave for the annexation was that they do not want closer islands of county property within the city limits. I think that where our property lies it is in the county and is paid by the county, but the city claims it but for what purpose. Ordinance 1275 states that you must be with 150 foot of development or a 5 year term has lapsed and I believe that our property falls under this ordinance. The sewer line is over 500 foot away.

According to the Planning and Zoning records your commission sent a favorable vote to the City Council on Ordinance 1306 for de-annexation and they voted and passed it unanimously. The City of Payette's annexation request states that the property owners have every right to city services and a time line of when services will be provided. Mr. Boren stated that they were never given a timeline and I hope this commission sees the hardship this has put on us.

Commissioner Youngberg stated that you talk about hardships, can you please elaborate. Mr. Boren stated that with the new library his taxes will be two or three times what we have been paying. We don't have service so what exactly are we paying for then? The sewer bond was just passed recently and we will never see any of that and we didn't get to vote on it. To me that is taxation without representation. Mr. Boren stated that it is more of a service based problem in my eyes and you have done this twice with the Young's, Bear's and Miller's property and I feel we should be too. Commissioner Youngberg asked if he is referring to de-annexation of the other properties. Mr. Boren stated yes, one of them was actually de-annexed and that would be the Young's property. They came in front of you guys because the Bear's property wasn't within 150' of the property. Councilor Hanigan stated that we should be consistent with our voting and I believe that is a true statement. Mr. Boren stated that he is surrounded by State and County property. The high water mark on our side of the river is county property.

Commissioner Hogg stated that if city services were available this would be an issue. Mr. Boren stated no, we wouldn't have a problem. Mr. Boren stated that we do not get road services out there. The cemetery road has never been maintained, there is no lighting, no snow removal. We had to get our own backhoe out to do snow removal. Commissioner Hogg asked where Mr. Boren's driveway comes out at. Mr. Boren states that it is the same one as the cemetery, so it comes out on 6<sup>th</sup> Street, the cemetery road has never been maintained since 1991.

Mary Cordova – City of Payette; Payette, Idaho 83661

Clerk Cordova stated that both the Boren's bring up good points. The city cannot get water and sewer to property and this is true. The city does not require people to hook up to city water and sewer unless they are within 250 foot of their property. We have annexed a lot of property that do use septic tanks, if the water lines are within the limits and they have a functioning well and septic they are not required to hookup at that time of annexation. If the septic tank goes south then they would be required to hookup. Annexation has nothing to do with water and sewer service, they are fee based and not tax based. We are talking about the tax dollars, parks, streets, library all of those services. Back in 2009 the Young's did ask for de-annexation and the City at that time informed this body and the council that it was not in the best interested to de-annexed. The Young's property was predicated by the Gold Ridge Estates 50 homes that were going to be built, which they never did. The Miller's and the Bears were granted a reprieve of 5 years or when services were within 500 foot and they have a couple more years before they are annexed and the Young's are on the same schedule. That

annexation was different though because that was a planned development that was going in. We called this the Northwest Annexation and in your packet you will see a map that shows where we were cleaning up some boundary issues. All of this has come in within this Northwest Annexation. All of the other properties came into the city on January 1, 2010, but the Boren's property was given an extra year and was annexed January 1, 2011. The County Assessor's provided us with a map that shows the city limits. In regards to no receiving any city services I know for a fact the street sweeper has been up there. As far as the driveways being barricaded during the winter, that happens throughout the entire town. The street lights come when the dollars come, so when we get some money we will be putting in some street lights.

Commissioner Youngberg asked who is responsible for snow removal within the cemetery. Clerk Cordova stated that they are their own taxing district, so the roads within the cemetery are not city roads. Commissioner Hogg asked if this property would have been considered in the impact area if it wasn't annexed. Clerk Cordova stated yes. Commissioner Hogg stated that when the Boren's were talking about lifestyle what would have come under the scrutiny of the zoning laws before the annexation took place. Clerk Cordova stated that yes, the County Planning and Zoning Department deters those to us since they are in our impact area and they usually go with our recommendation.

Commissioner Hanigan stated the Young's, Bear's, and Miller's will be annexed in 5 years regardless of development. Clerk Cordova stated yes, that is correct. Commissioner Hanigan asked if the City is thinking of doing anything different with those three people since Gold Ridge will probably no go through by that time. Clerk Cordova stated no, they will be annexed.

Chad Boren – 2089 North 6<sup>th</sup> Street; Payette, Idaho 83661

Mr. Boren stated that yes, I understand where she's coming from and the tax dollars are going for the police and so on, but we do not get any of these services. We are also forced to use the trash service and since January 1 our garbage cans have not been picked up. She talks about police and they only police 17<sup>th</sup> Avenue North, so what are we paying for? She says that water and sewer are rate based and that is true, but are we going to see a portion of our taxes going to the water and sewer bond? Hell yes.

B. An application by Adam Telly for a Conditional Use Permit for property to be used as a wrecking yard and impound yard at 1010 South Park Street, DEWITT'S 1<sup>ST</sup> SUBDIVISION, BLOCK 3. The property is zoned Industrial.

Commissioner Ladley added the following document into the records for this public hearing.



## ECAR Fact Sheet for Idaho Stormwater

- [Regulations](#)
- [Self-Audit Checklist](#)
- [Best Management Practices](#)
- [Contacts](#)
- [Related ECAR Fact Sheets](#)
- [Other Relevant Resources](#)

[BACK to VIRTUAL TOUR](#)

The following fact sheet was prepared by the ECAR Center staff. Once prepared, each ECAR Center fact sheet undergoes a review process with the applicable state environmental agency(ies). You can check on the status of the review process [here](#). Please read the disclaimer on the status page. While we have tried to present a summary of the essential information on this topic, you should be aware that other items, such as local regulations, may apply to you.

### What You Need to Know

The Clean Water Act requires virtually every automotive salvage or recycling operator to obtain a stormwater permit. The exceptions to this rule are few, and they are explained further in the detailed information provided below. Therefore, ***if you own or operate a salvage or recycling operation and you do not currently have a stormwater permit, you most likely are out of compliance.*** The purpose of this fact sheet is to help you either to get into compliance or to assist you to develop a more efficient and effective compliance strategy.

Rain or snow falling on your property can pick up contaminants as it runs off, and can carry the contaminants through drainage systems directly into streams, rivers, and lakes. The term "stormwater" refers to this type of runoff.

In 1987, Congress mandated that "industrial" sites obtain stormwater permits. In 1990, EPA defined "industrial" to include, among many other types of sites, "salvage yards and automotive [recyclers]." [Title 40 CFR 122.26(b)(14)(vi)]. These mandates apply across the country, regardless of your state. Congress and EPA took this action because stormwater that comes in contact with metals, oil and grease, used batteries and tires, and other materials common at automotive recycling facilities may cause localized pollution that can affect the local community's ability to swim and fish in lakes, rivers, and streams.

For example, the mercury that still may be found in old automotive switches or even some new parts is toxic to humans and to the fish they may catch and eat. By obtaining a stormwater permit, and more importantly, by taking some common sense actions under the permit to prevent stormwater contamination, you can provide your community with environmental benefits to compliment the value of recycling end-of-life vehicles.

Although Congress and EPA created the national rules that provide the basic framework for stormwater regulations, the rules are implemented by the individual state environmental agencies. EPA may help certain states develop programs and it

#### **Stormwater**

##### **Resource Locator**

All vehicle dismantling facilities in the United States (except those in a combined sewer service area or facilities that do not discharge stormwater from their property) are required by the Clean Water Act to obtain a stormwater permit either from the U.S. Environmental Protection Agency or from an appropriate state agency. For more information on EPA's stormwater regulations, please see:

[Federal EPA National Pollutant Elimination Discharge System \(NPDES\) Stormwater Regulations](#)

EPA defines automobile salvage yards and scrap recycling facilities as industries eligible to use the multi-sector general permit (MSGP). [Sector M: Auto Salvage Yards](#)

provides guidance to all states, but for the most part, **you obtain a stormwater permit from your state environmental agency.** Information about your state permit, compliance requirements, contact information, and other helpful hints are provided in the following pages of this site. The most important part of the compliance program is developing a stormwater pollution prevention plan, and this site will help you to develop such a plan. The key for you is to make sure that you implement the plan and adhere to your legal obligations.

Included in this permitting process are requirements to file a Notice of Intent (NOI) with the appropriate state agency and to prepare a Storm Water Pollution Prevention Plan (SWPPP) to describe how you will address your facility's stormwater issues. For information on how to comply with these requirements, please see:

**[EPA's Multi-Sector General Permit](#)**

## Regulations

Since 1990, federal regulations require automotive recyclers to obtain coverage under an industrial stormwater permit to prevent stormwater pollution. Idaho is not a National Pollutant Discharge Elimination System (NPDES) delegated state, which means the state does not have general permitting authority. Therefore, the automobile recycling/dismantling/salvage industry is covered under EPA's Multi-Sector General Permit.

Auto recyclers must:

- Obtain a stormwater permit by submitting a Notice of Intent (NOI) form to EPA if their facility discharges into a lake, stream, or other surface water body or discharges through a Municipal Separate Stormwater Sewer System (MS4). There are no permit fees;
- Meet the conditions of the permit, including:
  - Develop and implement a stormwater pollution prevention plan (SWPPP),
  - Collect and analyze samples of stormwater for specified pollutants, and submit monitoring results on a Discharge Monitoring Report form to EPA;
  - Conduct quarterly visual examinations of stormwater, record the results, and
  - Maintain records of all inspections and monitoring information for at least three years.

Your SWPPP must include a description of potential sources of stormwater pollution and measures and controls, including best management practices (BMPs) that will be implemented at your facility to prevent or minimize stormwater contamination. When developing the SWPPP, you must consider the use of certain BMPs that EPA considers applicable to specific areas such as vehicle dismantling/storage areas and fluids storage areas. However, you do not need to limit yourself to just these BMPs. For more specific information on developing a Pollution Prevention Plan, visit the ECAR [SWPPP fact sheet](#).

**Exceptions.** Under the conditional no exposure exclusion, operators of industrial facilities in any of the 11 categories of "stormwater discharges associated with industrial activity," (except construction activities, which are addressed under the construction component of the NPDES Stormwater Program) have the opportunity to certify to a condition of "no exposure" if their industrial materials and operations are not exposed to stormwater. As long as the condition of "no exposure" exists at a certified facility, the operator is excluded from NPDES industrial stormwater permit requirements.

**Links to the Regulations and Forms.** Use the following links to view the regulations pertaining to stormwater management.

[Federal EPA National Pollutant Elimination Discharge System \(NPDES\) Stormwater Regulations](#)

[Notice of Intent \(NOI\) Form](#)

[No Exposure Certification](#)

## Self-Audit Checklist

When an inspector comes to your facility, there are certain things he or she checks to see if you are in compliance with environmental regulations. It makes good sense for you to perform a "self-audit" and catch and correct problems before they result in penalties. Also, there are some compliance incentives associated with self-audits (see [Audit Policy Page](#)).

Use the following list to audit your stormwater permit.

1. **Does your facility have a stormwater permit?** Verify that your facility has a current stormwater permit issued by EPA if your facility falls under the requirement.
2. **Has your facility developed and implemented a stormwater pollution prevention plan?** Verify that a SWPPP has been prepared and is available on-site for inspection. Review the plan and verify that BMPs have

been implemented. Note: If the facility is inspected, the SWPPP will be checked against all requirements in the permit. It is required that all SWPPPs be fully compliant with the permit.

3. **Does your facility have a stormwater monitoring program?** Review your records to verify that visual observations and sampling have been performed.

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## Best Management Practices (BMPs)

The following is a list of BMPs for auto salvage facilities identified by EPA when the stormwater regulations were published:

### Dismantling and vehicle maintenance:

- Drain all fluids from vehicles upon arrival at the site. Segregate the fluids and properly store or dispose of them.
- Maintain an organized inventory of materials used in the maintenance shop.
- Keep waste streams separate (i.e. waste oil and solvents). Non-hazardous substances that are contaminated with hazardous substances are considered a hazardous waste.
- Recycle antifreeze, gasoline, used oil, mineral spirits and solvents.
- Dispose of greasy rags, oil filters, air filters, batteries, spent coolants and degreasers properly.
- Label and track the recycling of waste material.
- Drain oil filters before disposal or recycling.
- Store cracked batteries in a nonleaking secondary container.
- Promptly transfer used fluids to the proper container.
- Do not pour liquid waste down floor drains, sinks or outdoor storm drains.
- Plug floor drains that are connected to the storm or sanitary sewer. If necessary, install a sump that is pumped regularly.
- Inspect the maintenance area regularly for proper implementation of control measures.
- Filter stormwater discharges with devices such as oil-water separators.
- Train employees on proper waste control and disposal procedures.

### Outdoor vehicle, equipment and parts storage:

- Use drip pans under all vehicles and equipment waiting for maintenance and during maintenance.
- Store batteries on impervious surfaces. Curb, dike or berm this area.
- Confine storage of parts, equipment and vehicles to designated areas.
- Cover all storage areas with permanent cover (roof) or temporary cover (canvas tarps).
- Inspect the storage yard for drip pans and other problems regularly.

### Vehicle, equipment and parts washing areas:

- Avoid washing parts or equipment outside.
- Use phosphate-free biodegradable detergents.
- Consider using detergent-based or water-based cleaning systems in place of organic solvent degreasers.
- Designate an area for cleaning activities.
- Contain steam cleaning washwaters or discharge under an applicable NPDES permit.
- Ensure that washwaters drain well, and are not draining into a MS4 or surface water body.
- Do not discharge wastewater into a dry well.
- All discharges authorized by the general stormwater permit must fully meet all applicable water quality standards.
- Inspect cleaning area regularly.
- Install curbing, berms or dikes around cleaning areas.

### Liquid storage in above ground containers:

- Maintain good integrity of all storage containers.
- Install safeguards (such as berms) against accidental releases in the storage area.
- Inspect storage tanks to detect potential leaks. Perform preventative maintenance.
- Inspect piping systems for failures or leaks.
- Train employees on proper filling and transfer procedures.

### Improper connection with storm sewers:

- Plug all floor drains if it is unknown whether the connection is to storm sewer or sanitary sewer. Alternatively, install a sump that is pumped regularly.
- Update facility schematics to accurately reflect all plumbing connections.
- Install a safeguard against vehicle washwaters and parts cleaning water entering the storm sewer unless permitted.

- Maintain and inspect the integrity of all underground storage tanks; replace when necessary.
- 

## Contacts

1. For general permit questions, contact 208-373-0115.
  2. Mail discharge reports to: Stormwater Monitoring Reports, U.S. Environmental Protection Agency, Mail Code: 4203M, 1200 Pennsylvania Ave., Washington, DC 20460.
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## Related ECAR Fact Sheets

1. [SWPPP](#)
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## Other Relevant Resources

1. [EPA Fact Sheet on No Exposure Certification](#)
2. [EnvCAP's Industrial Stormwater Resource Locator](#)
3. [PNEAC Offers Industrial Stormwater Permit Guide](#)

[BACK to VIRTUAL TOUR](#)

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Adam Telly – 1010 South Park Street; Payette, Idaho 83661

Mr. Telly stated that he was forced into this permit deal. I got a call from City Hall stating that if you pull a part off a car it is considered a wrecking yard. Regardless it is going to be a impound yard, regardless of the vehicles I buy them and then get rid of them and towing is slow right now and I do this on the side. I have no parts on site and I don't stack cars out there and I am here due to the fact that I was forced into saying this is a wrecking yard.

Commissioner Hogg stated that he is here because of this permit. Mr. Telly stated yes, because I take off a part it is considered a wrecking yard, and most of the houses around here should be considered that if you work on your own cars. I am certified and have permits to do my towing business and I have a yard in Washington County and am having a hard time getting on the Payette County rotation list and I am in the process of dealing with that. I don't understand why we have 5 companies from Oregon that are on the rotation list. I want to leave it as an impound yard and pull off an occasional part that I need and the only reason I am here is because the city told me to be. I take off an occasional Cadillac converter I am considered a wrecking yard; I drain all the fluids out of the car into 55 gallon drums and take them to Jim Breach at C-Bass. Mr. Telly stated that he takes pride in his stuff and he does not look like some of the other wrecking yards in town.

Commissioner Hanigan asked Mr. Telly if he is opposed to the permit or if he is opposed to the Ordinance. Mr. Telly stated yes, correct I am not opposed to the permit I just think the Ordinance issue needs to be looked at. Mr. Telly stated that I just want this permit to continue to do what I have already been doing.

Steve Ford – 821 South Park Street; Payette, Idaho 83661

Mr. Ford stated that on the county is no letting him on the tow list, so why does he need a tow business. I do not want a wrecking yard in my front yard and even if he says he's going to do what he's going to do is he going to have to get a fence. If he gets full blown and dumping oil and so on he is in a flood zone and Hanigan's had water at their front door. They did bring in a few loads of dirt, but there was water at his property last year, so we are looking at an issue with the oil and antifreeze sitting on my yard when it floods again. If he gets full blown then we are going to have thieves in the area shopping at everyone's house and our property values going to decrease.

Commissioner Hogg asked what his recommendation is. Mr. Ford stated that he is not against the guy making money, but with all the permits he is getting he will want to get bigger and become a C-Bass business. Commissioner Hogg stated so your recommendation is to deny this permit. Mr. Ford stated yes, there are other places than right on the river. Mr. Ford stated that there is also another gentleman in town that has a tow truck that drives like crazy down that road.

Thomas Ladley – 1082 South Park Street; Payette, Idaho 83661

Mr. Ladley stated that he wants to enter this fact sheet from DEQ.

Clerk Cordova stated that we have been working with Mr. Telly to try and find a suitable site for an impound yard. It does have to be fenced and zoned appropriate since it is adjacent to residential it will need to be privacy slats in the fence. A wrecking yard is an allowed use in an industrial zone with a conditional use permit. An impound yard is merely for impounded vehicles and a wrecking yard is when you start keeping the vehicles and so on.

Adam Telly – 1010 South Park Street; Payette, Idaho 83661

Mr. Telly stated that if I can get booming down the road then I will get going. I am trying to support my family and I am not trying to disrupt my neighbors or the community and I understand where they are coming from and how they feel. As far as property values go, have you driven down that road, I am trying to help the community.

C. An application by Warren Cook for a Conditional Use Permit to have a home office at 811 North 6<sup>th</sup> Street, MAXFIELD ADDITION, LOTS 3-4, BLOCK 1. The property is zoned A-Residential.

Warren Cook – 811 North 6<sup>th</sup> Street; Payette, Idaho 83661

Mr. Cook stated that he owns the house 5 years ago and was in a bad car accident and is now disabled and in the process of getting a contract with Commercial Tire to polish semi tires. If I have the doors shut on my trailer you wouldn't be able to hear it within 25-30 foot. Commissioner Choate asked where the trailer would be parked. Mr. Cook stated in his driveway. Commissioner Choate asked if he wears hearing protection. Mr. Cook stated no.

Commissioner Hogg asked what he does to polish these wheels. Mr. Cooks stated that he has air tools inside the trailer that polish the wheel to a mirror image. Commissioner Ladley asked what the hours of operation are. Mr. Cook stated that due to his accident his will only work from 9am to 2pm because he has a metal plate in his back.

D. An application by James and Melissa Dobney for a Conditional Use Permit to allow a residential apartment on premise at 808 3<sup>rd</sup> Avenue North, GORRIE ADDITION, LOTS 8-9-10 BLOCK 7. The property is zoned C-1 Commercial.

James Dobney; 808 3<sup>rd</sup> Avenue North; Payette, Idaho 83661

Mr. Dobney stated that 808 3<sup>rd</sup> Ave No is the old historical firehouse. In the early 80's a gentleman put some apartment's in there and then it became Intermountain Gas Company and then when the Johnston's bought it they used it as an apartment. We gave up our farmhouse and moved into the old City Hall, this is not a permanent thing, but rather a temporary one year thing. I would like to add to this application to add the owner Tonda Johnston to the application.

Commissioner Hanigan stated that he believes it has to be in the tenant's name not the owner is that correct. Clerk Cordova stated that we can grant it to the owner, which we do to other owner's, but that would have to be signed by the owner and due to that it would get pushed forward. Commissioner Hanigan asked if it would have to have another public hearing. Clerk Cordova stated yes. It is issued to whoever applies for the application. Commissioner Hanigan asked if he would like us to act on this application or do you want to amend it? Mr. Dobney stated yes, act on the one in front of you.

Mr. Dobney stated that his second request would be that the 2<sup>nd</sup> water meter on the property be vacated since it has not been used since 2000. Commissioner Hanigan asked Clerk Cordova if this is something that would even come in front of the Planning and Zoning Commission. Clerk Cordova stated yes. Our code states that when you have a separate residential unit, you have to have a separate water meter. Clerk Cordova stated that there currently was two meter, but one has not been used in a while. Clerk Cordova stated that this would have to go in front of the City Council.

Commissioner Choate asked Mr. Dobney if he received a letter from the State Fire Marshall's office. Mr. Dobney stated yes they had copies of everything. Mr. Dobney also stated that his neighbors filed

a complaint with the Police Department regarding their dogs, but the dog that was not very wise is now gone.

- E. An application by The City of Payette requesting a Zoning Change from A-Residential and B-Residential to I-Industrial at 522 River Street, Parcel 1, Assessor's Tioga Plat, a portion of Block 34. Property is zoned A-Residential. Parcel II, Assessor's Tioga Plat, a portion of Block 33. Property is zoned B-Residential.

Clerk Cordova – 700 Center Avenue; Payette, Idaho 83661

Clerk Cordova stated that the two parcels on your map are properties that they want to rezone from B residential to Industrial. Basically this is just some housekeeping items.

A motion was made by Hanigan and seconded by King to end the public hearing at 7:24 PM.

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

### **OLD BUSINESS**

#### **A. Design review guidelines –**

A motion was made by Hanigan and seconded by Ladley to defer all old business to the next month's agenda.

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

### **NEW BUSINESS**

#### **A. De-annexation request at 2089 North 6<sup>th</sup> Street – Chester & Sandra Boren**

Mr. Youngberg stated that he feels Mr. Boren's pain as he has been in his situation not too long ago. Commissioner Choate stated that he also empathizes with the Boren's as well.

A motion was made by Hogg and seconded by Youngberg to send an unfavorable recommendation to the City Council for the de-annexation request at 2089 North 6<sup>th</sup> Street.

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

#### **B. Conditional Use Permit application for a wrecking yard at 1010 South Park Street – Adam Telly**

Commissioner Hanigan stated that he is unsure if they should act on this tonight or if needs to go in front of our legal counsel. Clerk Cordova read the definition of junk and junk yard from the Payette City Code.

A motion was made by Hogg and seconded by Ladley to approve the conditional use permit submitted by Adam Telly at 1010 South Park Street and that there not be more than three (3) salvage vehicles on the property for no longer than five (5) days and that the permit can be revisited upon any complaints.

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

**C. Conditional Use Permit application for a home office at 811 North 6<sup>th</sup> Street – Warren Cook**

A motion was made by Hanigan and seconded by King to approve the conditional use permit submitted by Warren Cook to allow a home office at 811 North 6<sup>th</sup> Street and that it can be revisited upon any complaints.

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

**D. Conditional Use Permit application to allow residential apartments at 808 3<sup>rd</sup> Ave No – James & Melissa Dobney**

A motion was made by Ladley and seconded by King to approve the conditional use permit to allow for a residential apartment at 808 3<sup>rd</sup> Avenue North with stipulations that all the requirements by Fire Chief Steve Castenada dated 3/22/2011 be addressed and the permit can be revisited upon any complaints.

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

**E. Application for a zone change at 522 River Street from A & B Residential to I - Industrial**

A motion was made by Hogg and seconded by Youngberg to recommend a zoning change at 522 River Street from A & B Residential to I-Industrial.

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

**ADJOURNMENT**

A motion was made by Hanigan and seconded by Ladley to adjourn to at 8:00 PM.

The motion CARRIED.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Randy Choate, Chairman

ATTEST:

\_\_\_\_\_  
Tiffany Howell, Assistant Deputy Clerk/ Treasurer

The following is a report for Payette Planning & Zoning for transactions that went before the Commission for the year 2010.

### **PUBLIC HEARINGS**

- 1-28-10 NO MEETING
- 2-25-10 Conditional Use Permit to build a greenhouse at Payette High School
- 2-25-10 Conditional Use Permit to sell beer & wine at 18 North Main Street, John & Loni Debban – application withdrawn
- 3-25-10 NO MEETING
- 4-22-10 Conditional Use Permit to sell beer & wine at 109 North Main Street by Florentino Garcia
- 4-22-10 Conditional Use Permit to allow pre-existing residential apartments at 16 & 18 North Main Street by John & Loni Debban
- 4-22-10 Conditional Use Permit to sell beer & wine at 815 1<sup>st</sup> Ave. South by John Shepard
- 5-27-10 Conditional Use Permit to operate a day care at 502 North 11<sup>th</sup> Street by Heidi Houston & Heather Ruth
- 5-27-10 Conditional Use Permit to build a shop & storage at 2101 Shelley Drive by Denny Croner
- 6-24-10 Conditional Use Permit to operate an existing preschool at 1980 7<sup>th</sup> Ave North by Sandra Kendall
- 7-22-10 NO MEETING – NO QUORUM
- 8-19-10 Conditional Use Permit to allow pre-existing residential apartments at 120 North Main Street by Jeff & Kloy Debban
- 8-19-10 Conditional Use Permit to have an alcohol free dance club at 18 North Main Street by James Gonzales
- 8-19-10 Proposed Comprehensive plan & impact area map
- 9-9-10 Continuation of proposed Comprehensive plan & impact area map
- 9-23-10 Conditional Use Permit to allow construction of shed & loafing shed at 311 River Street for Norma Clapp
- 10-28-10 Conditional Use Permit to sell beer & wine at 18 North Main Street by James Gonzales
- 10-28-10 Conditional Use Permit to construct building & lean to shed at 929 North 11<sup>th</sup> Street for Tim Derrick
- 11-18-10 Conditional Use Permit to sell beer & wine at 120 North Main Street by Dave & Patty Henderson
- 11-18-10 Preliminary Subdivision plat for City of Payette for WWTP Subdivision
- 11-18-10 Conditional Use Permit to construct a detached garage at 726 North 4<sup>th</sup> Street for Larry & Nancy Kelley
- 12-16-10 Conditional Use Permit to allow storage of carnival equipment at 409 N. 7<sup>th</sup> Street for Scott Roper

### **CONDITIONAL USE PERMIT**

- 2-25-10 Approve permit for Payette High School to build a greenhouse at 1500 6<sup>th</sup> Ave. South
- 4-22-10 Approve permit for Florentino Garcia to sell beer & wine at 109 North Main Street
- 4-22-10 Approve permit for John & Loni Debban to allow pre-existing residential apartments at 16 & 18 North Main Street
- 4-22-10 Approve permit for John Shepard to sell beer & wine at 815 1<sup>st</sup> Ave. South

- 5-27-10 Approve permit for Heidi Houston & Heather Ruth to operate a day care at 502 N. 11<sup>th</sup> Street
- 5-27-10 Approve permit for Denny Croner to build a shop & storage at 2101 Shelley Drive
- 6-24-10 Approve permit for Sandra Kendall to operate an existing preschool at 1980 7<sup>th</sup> Ave. North
- 8-19-10 Approve permit for Jeff & Kloy Debban to allow residential apartments at 120 North Main Street
- 8-19-10 Approve permit for James Gonzales to have an alcohol free dance club at 18 North Main Street
- 9-23-10 Approve permit for Norma Clapp to construct a shed & loafing shed at 311 River Street
- 10-28-10 Approve permit for James Gonzales to sell beer & wine at 18 North Main Street and revoked previous permit to have an alcohol free dance club
- 10-28-10 Approve permit for Tim Derrick to construct a building with a lean to shed at 929 North 11<sup>th</sup> Street
- 11-18-10 Approve permit for Dave & Patty Henderson to sell beer & wine at 120 North Main Street
- 11-18-10 Approve permit for Larry & Nancy Kelley to construct a detached garage at 726 North 4<sup>th</sup> Street
- 12-16-10 Approve permit for Scott Roper to allow storage of carnival equipment at 409 N. 7<sup>th</sup> Street

**SUBDIVISIONS**

- 11-18-10 Recommend approval to City Council to approve preliminary subdivision for City of Payette for WWTP Subdivision

**MISCELLEANOUS**

- 5-27-10 Discussion on City's nuisance ordinances
- 6-24-10 Recommend to City Council to approve curb cut deviation at 2221 Uehlin Drive for Mary Cordova
- 6-24-10 Payette County – Steve DeFrance – recommend to county to approve permit for Steve DeFrance to have 9 dogs at 10330 Railroad Lane
- 8-19-10 Recommend to City Council to approve curb cut deviation at 2121 & 2061 Uehlin Drive
- 10-28-10 Change meeting dates from 11-25 to 11-18 & 12-23 to 12-16
- 11-18-10 Rose Advocates – Transitional Housing & Office Building
- 11-18-10 Design Review Guidelines discussion

# Atkins General Builders, Inc.

dba KEPHA Construction  
3606 E. Newby Street  
Nampa, Idaho 83687

Phone: 208-461-2700  
Fax: 208-461-2702

# PROPOSED CHANGE ORDER No. 00003

**TITLE:** Concrete Walk per ASI #03

**DATE:** 5/11/2011

**PROJECT:** Payette Library Addition

**JOB:** K100-11

**TO:** Attn: Dion Zimmerman  
Gowland Johanson & Zimmerman Arch.  
400 South Main  
Payette, Idaho 83661  
Phone: 208-642-4452 Fax: 208-642-4453

**CONTRACT NO:** K100-11-0906

**RE:** PCO

**To:** GOWJOHID

**From:** KEPHA

**Number:** 00003

### DESCRIPTION OF PROPOSAL

Remove stairs, demo sod, place concrete sidewalk and build up slope per ASI #03 and sketch ASI # SK-01

Item	Description	Stock#	Quantity	Units	Unit Price	Tax Rate	Tax Amount	Net Amount
00001	Survey		1.000	LS	\$300.00	0.00%	\$0.00	\$300.00
00002	Demo, concrete and slope to create ramp.		1.000	LS	\$5,131.00	0.00%	\$0.00	\$5,131.00

Unit Cost: \$5,431.00

Unit Tax: \$0.00

**Unit Total:** \$5,431.00

**Subtotal:** \$5,431.00

Description	Markup Percent	Markup Amount
General Conditions	6.500%	\$353.02
Insurance	1.250%	\$67.89
Overhead & Profit	5.000%	\$271.55
Bonds	1.600%	\$86.90

**Total Cost:** \$6,210.36

### APPROVAL:

By: 

L. Brian Atkins

Date: 5-11-11

By: \_\_\_\_\_

Dion Zimmerman

Date: \_\_\_\_\_



Project: Payette Library Addition  
Payette, ID

Job #: Job #0906

**ASI #03**

**NOTICE TO CONTRACTORS :**

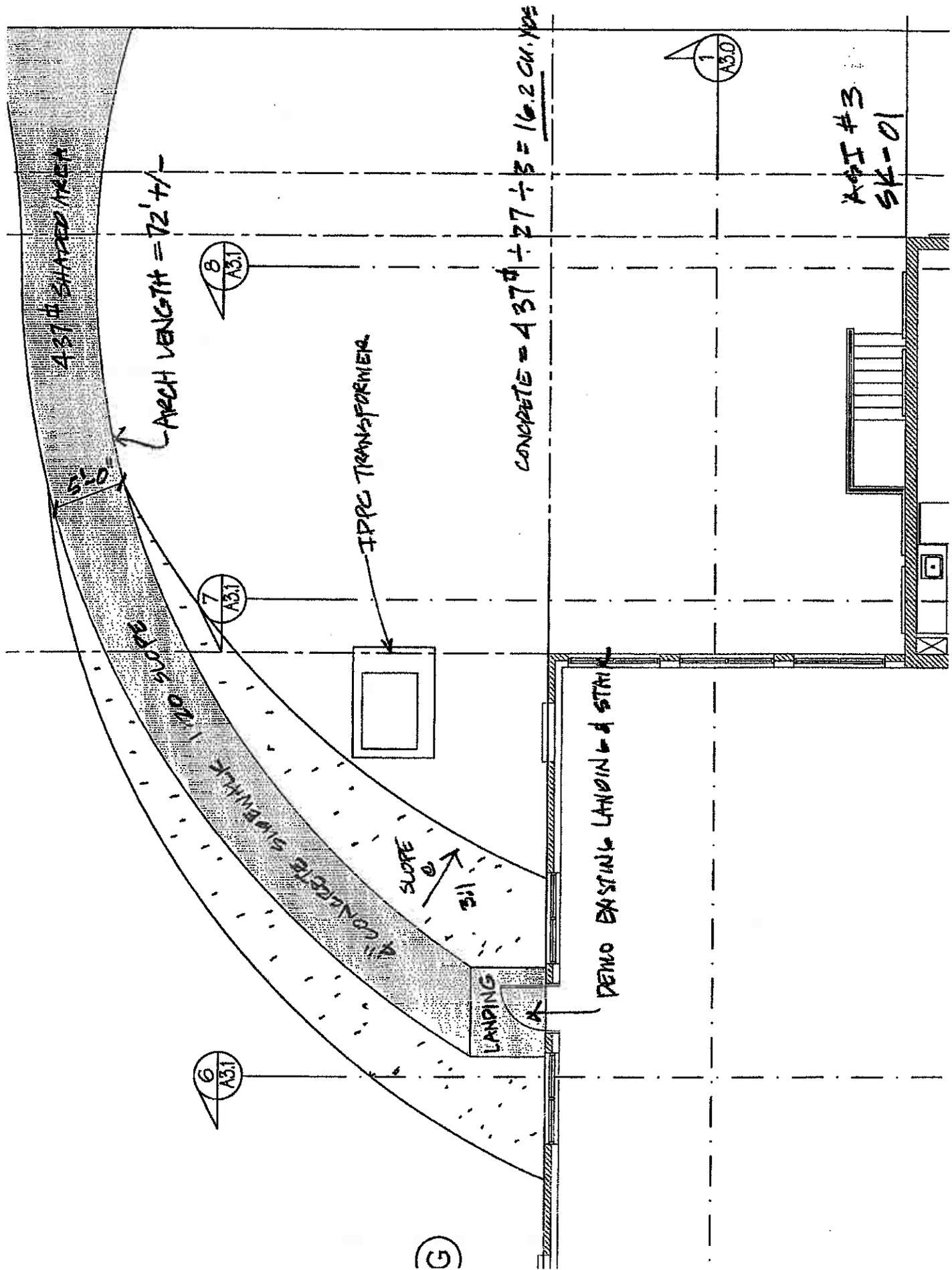
This Architect's Supplemental Instructions shall supplement, amend and become a part of the Bidding Documents, the drawings and specifications. The items set forth govern the work insofar as they apply and take precedence over the original drawings and specifications.

1. Provide pricing to provide new sidewalk ramp without handrails as shown on sk-01 attached. This new ramp will slope 1/20 meeting the ADA maximum sidewalk slope. Slope all compacted fill at a slope ratio of 3:1 away from sidewalk. Remove all sod and existing stair prior to construction. Field locate prior to construction.

Dion Zimmerman \_\_\_\_\_  
Author

May 03, 2011 \_\_\_\_\_  
Date

**END OF ASI #03**



## Eagle Land Surveying, LLC.

463 W. 4<sup>th</sup> St. N., Middleton, Idaho 83644\*(208) 861-7513 (O)\*(208) 585-5794 (F) \*pls12220@yahoo.com

May 4, 2011

Atkins General Builders, Inc.  
Nampa, ID  
Office: 208-461-2700  
Fax: 208-461-2702  
Email: brian@kephaconstruction.com

Re: Payette Library Addition ASI #3 SK-01

Eagle Land Surveying, LLC. is pleased to propose Professional Land Surveying services for the Payette Library Addition ASI #3 SK-01 project located in Payette, Idaho.

After reviewing the plans under ASI #3 SK-01, I have estimated that the time and materials needed to complete this change order would be done at a **lump sum cost of \$300.00**, and it would include one-time construction staking of the pedestrian ramp with grades as per plan.

Dimensioning will be needed from existing building to the new radius' and also the tie in points to the existing sidewalk.

\*Cost estimate includes travel time. Re-staking costs for a two man crew is \$100 per hour.

We appreciate the opportunity to work with you on this project. If you have any questions or need additional information, please call us.

Thank you,

Jeremy Fielding, P.L.S.

Accepted: \_\_\_\_\_ Date: \_\_\_\_\_

# Spiers Construction, LLC

15780 Racetrack Drive  
 Caldwell, ID 83607  
 208-453-9229

# Bid Proposal

DATE	BID #
5/5/2011	47

NAME / ADDRESS
Atkins General Builders, Inc. KEPHA Construction 3606 E. Newby Street Nampa, ID 83687

Fax #	E-mail
208-453-9231	mike@spiersconstruction.com

PROJECT
Northside Entrance Payette Library

DESCRIPTION	QTY	COST	TOTAL
Demo Stairway 437 sf		500.00	500.00
Strip Sod	2	250.00	500.00
Fill 3/4" road mix 120 cy	120	11.00	1,320.00
E&L 1 day	1	1,500.00	1,500.00
Sidewalk 437 sf	437	3.00	1,311.00
Concrete			
Labor (3 men for 6 hours)			
		<b>TOTAL</b>	<b>\$5,131.00</b>

\*Price includes only items and services listed. Price excludes permits, testing, staking, surveying, hidden conditions, soft spot repair, dewatering, traffic control, erosion control, erosion control maintenance & any unseen conditions. This proposal is based on current pipe and asphalt prices. If our supply costs increase after that time, those prices will be passed on without markup. Prime coat and sterilization, if required, by others. Anything under 1 % slope for asphalt is considered too flat and cannot be warranted. Be advised that in such areas puddles and poor drainage could occur. Payment to be made as follows: 100% upon completion and/or by monthly payment requests. Progress estimates submitted by the 25th of each month are due by the 10th of the following month. All unpaid balances may accrue interest. This proposal may be withdrawn if not accepted within 30 days. Awarding us this job is accepting the above conditions. Bid must be signed & returned before work can begin.

ACCEPTED DATE: \_\_\_\_\_

SIGNATURE \_\_\_\_\_

ACCEPTED BY: \_\_\_\_\_



# PAYETTE CITY COUNCIL Agenda Request Form

RECEIVED  
MAY 04 2011  
CITY OF PAYETTE

**Policy:** Any person, group or organization wishing to personally address the Payette City Council in session shall fill out a written request form and file it with the City Clerk's Office 10 days in advance of the scheduled meeting. Regular meetings are held at 7:00 P.M. the 1st and 3rd Monday of every month.

NAME: Kristy Davis

TELEPHONE: 642-1205 (DAY) \_\_\_\_\_ (EVENING)

ADDRESS: 643 N. 2nd St  
Payette, Id 83661

NAME OF PERSON(S), GROUP OR ORGANIZATION:  
Bobbie Davis Scholarship

SUBJECT MATTER TO BE DISCUSSED:  
3 Donation of 3 month family Pool Pass

COULD THE SUBJECT BE DISCUSSED AND/OR REVIEWED BY MEETING WITH THE MAYOR, CITY DEPARTMENTS OR OTHER OFFICIALS? [ ] YES [ ] NO

IF ANSWER TO ABOVE IS YES, PLEASE LIST THOSE WHO HAVE ALREADY REVIEWED SUBJECT. IF NO, WHY NOT?

SPECIFIC QUESTIONS AND/OR ACTION DESIRED FROM THE CITY COUNCIL:  
June 18th at Patrick's Pub. It will be raffled at a BBQ cook off.

The person(s), group or organization making the request to be on the agenda will be contacted by the City Clerk's Office, informing him/her of the scheduled meeting date and time. Every effort will be made to schedule the request at the earliest possible meeting date.

5-4-11 \_\_\_\_\_  
Date Signature of person making request

\_\_\_\_\_ Assigned to Agenda: 5-16-11  
Date City Clerk Date

**GENERAL BUSINESS PRESENTATIONS LIMITED TO 5 MINUTES - OR THE DISCRETION OF THE MAYOR**

If you plan a visual presentation, it must be submitted to the Clerk's Office no later than 5:00 p.m. on the Wednesday prior to the meeting. Acceptable presentation formats include PowerPoint presentations on CD only, DVD, VHS and 8.5 by 11 inch maps or printed materials for display on screen. All copies submitted become public record and must remain on file with the City Clerk. For more information contact 208-642-6024.



# CITY OF PAYETTE, IDAHO

## AGENDA STATEMENT

**To:** Honorable Mayor & Members of the Payette City Council  
**From:** Jennifer Kelley  
**Date:** 5/12/2011  
**Re:** Surplus Property Declaration & Sale

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**BACKGROUND & JUSTIFICATION:** State Code mandates public property be declared surplus before being sold or destroyed. Resolution #2011-04 declares a list of property of property and equipment surplus and authorizes the City to dispose of in an expeditious manner. The items are from the police, fire, pool, administration and sewer departments.

**FISCAL IMPACT:** Items will be sold at public auction June 10<sup>th</sup> with dollars generated placed back into the appropriate fund.

**RECOMMENDATION:** Approve Resolution #2011-04 with items to be sold at public auction June 10<sup>th</sup> at the pipe storage facility at the wastewater treatment plant facility.

**CITY OF PAYETTE, IDAHO  
Resolution # 2011-04**

**A RESOLUTION DECLARING  
SURPLUS EQUIPMENT and PROPERTY**

WHEREAS, the City of Payette has several pieces of equipment that have exceeded their useful life and no longer serve the needs of the City of Payette, and,

WHEREAS, it is the desire of the Mayor and City Council to declare the subject equipment as surplus, and,

WHEREAS, the equipment will be dismantled for useful spare parts, and computer memories wiped clean of City information and disposed of.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the city of Payette that the list of equipment attached hereto is no longer needed for municipal purposes and is hereby considered surplus.

The City Administration is hereby authorized to dispose of the subject equipment in an expeditious manner.

**PASSED, APPROVED and ADOPTED** this 16<sup>th</sup> day of May, 2011.

---

Jeffrey T. Williams, Mayor

Attest:

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Mary Cordova, City Clerk/Treasurer

1996 Ford Crown Victoria Police Car	VIN# 2FALP71W6TX129179
1998 Ford Crown Victoria Police Car	VIN# 2FAFP71W5WX160893
2000 Ford Crown Victoria Police Car	VIN# 2FAFP71W3YX201377
7-computer monitors	
1-fax machine	
4-computer keyboards	
7-floppy disc cameras	
2-scanners	
3-computer printers	
8' Fluorescent lights	
Moisture balance scale	
ISCO samplers	
Welding helmet	
Power boxes	
Acco Controller	
Distiller	
2' fluorescent light bulbs	
Heater	
Monitor bracket	
Box misc chlorinator parts	
2 CB radios	
Green box	
HP printer	
Misc office supplies & cords	
Mouse	
Rubber square floor mats	
Non-functioning time clock	
Idaho Code Books	
Indoor/Outdoor Temperature Gauge	
Cell phones	

**FIRE DEPARTMENT SURPLUS 2011**

- 1 Whelen Power Control Center PCC-10
- 1 Galls Power Control Center XL300
- 1 Federal Mic
- 1 Kenwood Portable Radio Charger KSC-24
- 26 Yellow Structure Helmets
- 3 White Structure Helmets
- 1 Little Buddy Heater B900
- 1 GE Mobile Radio
- 1 Mity Mite Auto Charger
- 19 Minitor 3 Pagers
- 11 Minitor 4 Pagers
- 32 Minitor 3 or 4 chargers
- 30 Survivair - Snap Air Supply for Masks
  - 1 Siren - Unknown Watts
  - 1 Red Structure Helmet
  - 1 Survivair Case
- 29 Smoke Eater Air Purifying Escape Module (Bag Only)
  - 9 Mark II Siviair Air Packs - Low Pressure 2216
  - 9 Air Bottles (Condemd)
- 10 Spare Bottles - Low Pressure 2216 (Condemd)
  - 2 Sets Cable Tire Chains
  - 1 6' Wood Ladder
  - 1 4 Drawer Black File Cabinet - Broken
  - 9 Low Pressure Air Masks
  - 1 Single Metal File Cabinet
  - 1 Emergency Blanket
  - 1 50' 1 1/2 Hose (No Good)
  - 1 Aluminum Case
  - Misc Air Pack Parts for Low Pressure Air Packs
- 2 Ambulance cots
- 2 10' 5" Hard Suction Hose
- 1 Cairns Iris Thermal Imager Helmet
- 1 Computer Monitor
- 1 Box misc. Wire & Camera
- 1 Air Bottle Back Pack
- 1 Box 3 1/2 Floppy Disks
- 2 Sony Digital Camera with case

Form RD 1924-18 (Rev. 6-97)	UNITED STATES DEPARTMENT OF AGRICULTURE RURAL DEVELOPMENT FARM SERVICE AGENCY  <b>PARTIAL PAYMENT ESTIMATE</b>	CONTRACT NO. 906 <hr/> PARTIAL PAYMENT ESTIMATE NO. 02 <hr/> PAGE 1
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OWNER:  City of Payette	CONTRACTOR:  KEPHA Construction	PERIOD OF ESTIMATE  FROM 04-01-11 TO 04-30-11
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CONTRACT CHANGE ORDER SUMMARY				ESTIMATE	
No.	Agency Approval Date	Amount			
		Additions	Deductions		
				1. Original Contract .....	\$1,070,025.00
				2. Change Orders .....	\$0.00
				3. Revised Contract (1 + 2) .....	\$1,070,025.00
				4. Work Completed* .....	\$84,065.30
				5. Stored Materials* .....	
				6. Subtotal (4 + 5) .....	\$84,065.30
				7. Retainage* .....	\$8,406.53
				8. Previous Payments .....	\$23,517.00
				9. Amount Due (6-7-8) .....	\$52,141.77
<b>TOTALS</b>		\$0.00	\$0.00		
<b>NET CHANGE</b>		\$0.00	\$0.00		

\* Detailed breakdown attached

CONTRACT TIME			
Original (days) <u>300</u> Revised _____ Remaining <u>300</u>	On Schedule	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Starting Date <u>03-21-2011</u> Projected Completion <u>01-15-2012</u>

<p><b>CONTRACTOR'S CERTIFICATION:</b></p> <p>The undersigned Contractor certifies that to the best of their knowledge, information and belief the work covered by this payment estimate has been completed in accordance with the contract documents, that all amounts have been paid by the contractor for work for which previous payment estimates was issued and payments received from the owner, and that current payment shown herein is now due.</p> <p style="text-align: center;">Atkins General Builders, Inc.,</p> <p>Contractor <u>DBA KEPHA Construction</u></p> <p>By <u>Brian Atkins</u></p> <p>Date <u>04-19-2011</u></p> <p><b>APPROVED BY OWNER:</b></p> <p>Owner _____</p> <p>By _____</p> <p>Date _____</p>	<p><b>ARCHITECT OR ENGINEER'S CERTIFICATION:</b></p> <p>The undersigned certifies that the work has been carefully inspected and to the best of their knowledge and belief, the quantities shown in this estimate are correct and the work has been performed in accordance with the contract documents.</p> <p>Architect or Engineer <u>[Signature]</u></p> <p>By <u>DION ZIMMERMAN</u></p> <p>Date <u>05-05-11</u></p> <p><b>ACCEPTED BY AGENCY:</b></p> <p>The review and acceptance of this estimate does not attest to the correctness of the quantities shown or that the work has been performed in accordance with the contract documents.</p> <p>By _____</p> <p>Title _____</p> <p>Date _____</p>
--	---

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0575-0042. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information.



**APPLICATION AND CERTIFICATE FOR PAYMENT AIA DOCUMENT G702**

PAGE ONE OF PAGES

TO OWNER: City of Payette  
700 Center Avenue  
Payette, Idaho 83661

PROJECT: Payette Library Addition

APPLICATION NO: 00002

Distribution to:

FROM CONTRACTOR: Atkins General Builders, Inc.  
dba KEPHA Construction  
Nampa, Idaho 83687

VIA ARCHITECT: Gowland Johanson & Zimmermann  
400 South Main  
Payette, Idaho 83661

PERIOD TO: 4/30/2011  
PROJECT NOS.: 0906

OWNER  
 ARCHITECT  
 CONTRACTOR

CONTRACT FOR:

**CONTRACTOR'S APPLICATION FOR PAYMENT**

Application is made for payment, as shown below, in connection with the contract.

Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM ..... \$1,070,025.00

2. Net change by Change Orders ..... \$0.00

3. CONTRACT SUM TO DATE (Line 1 ± 2) ..... \$1,070,025.00

4. TOTAL COMPLETED & STORED TO DATE ..... \$84,065.30  
(Column G on G703)

5. RETAINAGE:

a. 10.000 % of Completed Work ..... \$8,406.53  
(Columns D + E on G703)

b. 10.000 % of Stored Material ..... \$0.00  
(Columns F on G703)

Total Retainage (Line 5a + 5b or Total in Columns I on G703) ..... \$8,406.53

6. TOTAL EARNED LESS RETAINAGE ..... \$75,658.77  
(Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT

(Line 6 from prior Certificate) ..... \$23,517.00

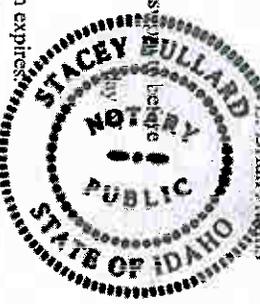
8. CURRENT PAYMENT DUE ..... \$52,141.77

9. BALANCE TO FINISH, INCLUDING RETAINAGE ..... \$0.00  
(Line 3 less Line 6) \$994,366.23

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$0.00	\$0.00
Total approved this Month	\$0.00	\$0.00
TOTALS	\$0.00	\$0.00
NET CHANGES by Change Order	\$0.00	\$0.00

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Atkins General Builders, Inc.  
By:  Date: 4/29/11



**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED ..... \$0.00

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Gowland, Johanson, Zimmermann

By:  Date: 05-05-11

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 1 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached. In tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: 00002  
 APPLICATION DATE: 4/30/2011  
 PERIOD TO: 0906  
 ARCHITECT'S PROJECT NO.: 0906

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C-G)	I RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (D+E)						
0000005	INDIRECT COSTS	\$12,405.00	\$12,405.00	\$0.00	\$0.00	\$0.00	\$12,405.00	\$0.00	\$0.00
0000010	Insurances	\$13,725.00	\$13,725.00	\$0.00	\$0.00	\$0.00	\$13,725.00	\$0.00	\$0.00
0000020	Surety Bonds	\$6,205.00	\$0.00	\$498.40	\$0.00	\$0.00	\$498.40	\$5,708.60	\$0.00
0000030	Temporary Facilities	\$5,000.00	\$0.00	\$5,000.00	\$0.00	\$0.00	\$5,000.00	\$0.00	\$0.00
0000040	Temporary Fencing	\$9,487.00	\$0.00	\$758.96	\$0.00	\$0.00	\$758.96	\$8,728.04	\$0.00
0000050	General Conditions	\$6,000.00	\$0.00	\$480.00	\$0.00	\$0.00	\$480.00	\$5,520.00	\$0.00
0000060	Dump Fees	\$52,074.00	\$0.00	\$4,165.92	\$0.00	\$0.00	\$4,165.92	\$47,908.08	\$0.00
0000070	Supervision / Project Management	\$2,413.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,413.00	\$0.00
0000080	Final Cleaning	\$107,309.00	\$26,130.00	\$10,901.28	\$0.00	\$0.00	\$37,031.28	\$70,277.72	\$0.00
0000090	SUBTOTAL								
0000120	DIRECT COSTS	\$1,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$0.00
0000240	Surveying	\$17,300.00	\$0.00	\$4,325.00	\$0.00	\$0.00	\$4,325.00	\$12,975.00	\$0.00
0000250	Demolition	\$50,446.00	\$0.00	\$18,665.02	\$0.00	\$0.00	\$18,665.02	\$31,780.98	\$0.00
0000280	Earthwork	\$2,975.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,975.00	\$0.00
0000290	Site Furnishings	\$67,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$67,000.00	\$0.00
0000300	Concrete	\$1,635.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,635.00	\$0.00
0000310	Concrete - Rebar & Mesh	\$76,825.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$76,825.00	\$0.00
0000320	Masonry	\$6,050.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,050.00	\$0.00
0000330	Structural Metal	\$35,100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$35,100.00	\$0.00
0000340	Rough Carpentry - Materials	\$18,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$18,500.00	\$0.00
0000350	Rough Carpentry	\$33,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$33,500.00	\$0.00
0000360	Pre-Fab Trusses	\$35,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$35,000.00	\$0.00
0000370	Cabinetry & Casework	\$14,400.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$14,400.00	\$0.00
0000380	Insulation	\$73,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$73,800.00	\$0.00
0000390	Roofing	\$23,625.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$23,625.00	\$0.00
0000400	EIFS Insulation & Finish Sys.	\$3,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,000.00	\$0.00
0000410	Joint Sealants	\$1,200.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,200.00	\$0.00
0000420	Doors/Frames & Hardware - Labor	\$10,310.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,310.00	\$0.00
0000430	Doors & Hardware - Materials	\$58,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$58,500.00	\$0.00
0000440	Storefront	\$46,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$46,500.00	\$0.00
0000450	Drywall / Acoustics	\$10,800.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10,800.00	\$0.00
0000460	Ceramic Tile								

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# CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached. In tabulations below, amounts are stated to the nearest dollar. Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: 00002  
 APPLICATION DATE: 4/30/2011  
 PERIOD TO: 4/30/2011  
 ARCHITECT'S PROJECT NO.: 0906

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)		H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G+C)			
0000470	Flooring	\$22,500.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$22,500.00	\$0.00
0000480	Painting	\$10,225.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$10,225.00	\$0.00
0000490	Specialties	\$14,650.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$14,650.00	\$0.00
0000500	Window Blinds	\$3,300.00	\$0.00	\$0.00	\$0.00	\$0.00	0	\$3,300.00	\$0.00
0000510	Fire Sprinklers - Wet/Dry	\$39,100.00	\$0.00	\$4,260.00	\$0.00	\$4,260.00	10.895	\$34,840.00	\$0.00
0000520	Plumbing	\$44,475.00	\$0.00	\$2,000.00	\$0.00	\$2,000.00	4.497	\$42,475.00	\$0.00
0000530	HVAC	\$110,000.00	\$0.00	\$15,437.00	\$0.00	\$15,437.00	14.034	\$94,563.00	\$0.00
0000540	Electrical - Subcontract	\$131,000.00	\$0.00	\$2,347.00	\$0.00	\$2,347.00	1.792	\$128,653.00	\$0.00
0000600	SUBTOTAL	\$662,716.00	\$0.00	\$47,034.02	\$0.00	\$47,034.02	4.886	\$915,681.98	\$0.00
		\$1,070,025.00	\$26,130.00	\$57,935.30	\$0.00	\$84,065.30	7.89%	\$985,959.70	\$0.00



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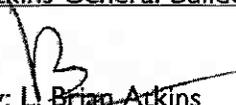
G703-1992

**CONDITIONAL WAIVER AND RELEASE UPON  
PROGRESS PAYMENT**

Upon receipt by the undersigned of a check from **The City of Payette** in the sum of **\$52,141.77** payable to **Atkins General Builders, Inc., dba KEPHA Construction** (Contractor) and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanic's lien, stop notice, or bond right the undersigned has on the job of **City of Payette Library Addition / Remodel** (Owner) located at **24 South 10th Street Payette, Idaho 83661** (Location) for project (Job Description) **0906, Library Addition / Remodel** to the following extent. This release covers a progress payment for labor, services, equipment or material furnished to **Atkins General Builders, Inc., dba KEPHA Construction** through **April 30, 2011** (Date) only and does not cover any retentions retained before or after the release date; extras furnished before the release date for which payment has not been received; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written change order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release. This release of any mechanic's lien, stop notice, or bond right shall not otherwise affect the contract rights, including rights between parties to the contract based upon a rescission, abandonment, or breach of the contract, or the right of the undersigned to recover compensation for furnished labor, services, equipment, or material covered by this release if that furnished labor, services, equipment, or material was not compensated by the progress payment. Before any recipient of this document relies on it, said party should verify evidence of payment to the undersigned.

Dated: April 29, 2011

Atkins General Builders, Inc., dba KEPHA Construction

By:   
L. Brian Atkins

Title: President

**CONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT**

M:\Documents\apps\PROJECTS\PROJECTS 2011\K100-11 Payette City Library\Payment Applications\Pay App #00002\KEPHA Conditional Waiver Progress K100-11-1.doc

**UNCONDITIONAL WAIVER AND RELEASE UPON  
PROGRESS PAYMENT**

The undersigned has been paid and has received a progress payment in the sum of \$23,517.00 for labor, services, equipment, or material furnished to **Atkins General Builders, Inc. dba KEPHA Construction** on the job of **The City of Payette (Owner)** located at 24 S. 10th St. Payette, ID 83661 (Job Location) project, **K100-10, Payette Library Addition Remodel** (Job Description) and does hereby release any mechanic's lien, stop notice, or bond right that the undersigned has on the above referenced job to the following extent. This release covers a progress payment for labor, services, equipment, or materials furnished to; **The City of Payette**, through **April 30, 2011**, (Date) only and does not cover any retentions retained before or after the release date; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written change order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release.

Dated: April 29, 2011

Atkins General Builders, Inc.,  
dba KEPHA Construction

By: Brian Atkins

Title: President

State of: Idaho

County of: Canyon

Subscribed and sworn to before me

Notary Public: Stacey Bullard

My Commission Expires: 3/31/11



**NOTICE: THIS DOCUMENT WAIVES RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL RELEASE FORM.**

**CONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT**  
C:\DOCUME~1\SBullard\LOCALS~1\Temp\XPprpwis\KEPHA Unconditional Waiver Progress K100-11-2.doc

Atkins General Bldrs., Inc.dba KEPHA Construction

**Job Cash Receipts**

Detail Report

Job	Job Name Description	Journal Reference	Date	Customer Id	Invoice#	App#	Amount	Tax
<u>K100-11</u>	Payette City Library Addition Payment	CR 4493	02/28/2011	CTYPAYETID	200100006	1	23,517.00	0.00
<b>Job Totals</b>							23,517.00	0.00