

MINUTES
PAYETTE CITY COUNCIL
Work Session & Regular Meeting
February 6, 2012

5:15PM – Work Session

1. Oil & Gas Ordinance -

Mayor Williams stated that there has been some talk about the gas and oil issue with the State level. Staff has provided us with a draft gas and oil ordinance. Mayor Williams asked Randy Choate if they had seen this. Mr. Choate stated no, this is the first time the Commission has received this. Mayor Williams asked Clerk Cordova how she got to this level. Clerk Cordova stated that nothing has changed at the State level since the last time that we talked. Clerk Cordova stated that the City is trying to develop an ordinance for this within the City of Payette. Clerk Cordova stated that everything in this document is a draft and just for discussion purposes only. Clerk Cordova stated that we need to go over this with the Planning & Zoning Commission and Public Works Commission tonight and get on the same page. Clerk Cordova stated that we would still have the ability to put restrictions on land use. Mayor Williams stated that last Thursday night Councilor Jensen and the Mayor heard the information from the Legislators in Weiser and from what they were saying is that it all still up in the air.

Clerk Cordova stated that according to the new language in legislation we have the ability under the local land act to regulate it. To help insure safety to residents was the purpose of enacting this ordinance. Clerk Cordova stated that the first paragraph on this draft ordinance is the purpose of the ordinance. Clerk Cordova stated that we need to talk about the ambient noise level and fluid system. Clerk Cordova stated that the Public Works Committee has talked about having this only in an industrial zone. Commissioner Hogg stated that is we are going to have this just in an industrial zone we need to look at where all the industrial property lies. Commissioner Hogg stated that most of this land is right next to the Snake River. Mayor Williams asked how long it takes them to drill a well. Stan Clements stated that it takes a few days. Clerk Cordova stated that it is generally 30-50 days before the drilling is completed. Jim Franklin stated that this fits the industrial land use and I think it belongs in the industrial areas. Doug Argo stated that most of our industrial land is located near our aquifer. Mr. Argo asked if we could develop a new zone that cannot be in a residential zone, then that would allow them to drill away from our aquifer. Councilor Nelson asked if we would keep our other zones. Mr. Argo stated yes, it would just be an overlay. Commissioner Franklin stated that if we keep it to industrial zones and they want to drill in a commercial zone, then they could come and ask for special permission to drill there. Stan Clements stated that in the Public Works Committee meeting we talked about not drilling within 1,500 feet of a city well or aquifer, which would eliminate a lot of this without first obtaining a permit. Councilor Hanigan stated that she like the idea of the overlay zone. Mr. Argo stated that the practical purpose of the zone is that it opens up the north half of the city and shuts down the south side of town.

Mr. Argo stated that there was some issue with the east side of a well in New Plymouth and they ended up blowing gas up to the surface. Mr. Argo stated that type of release could put gas into the aquifer. Councilor Jensen asked if we address fracking in this ordinance. Clerk Cordova stated no, we cannot. Mayor Williams asked if there is anything we can do to benchmark the quality of water. Clerk Cordova stated that the owner operator can monitor fresh water before and after the drilling, unless it does not pose a threat to the water system. Stan Clements asked if we can have them test

every 3, 6 or 9 years after drilling. Clerk Cordova stated they have water tests done before and after the fracking and if DEQ says it will not threat the water then no, if it does then wells within one quarter mile, sampling may be required. Councilor Sands asked what the costs of testing is. Rob Woyak stated that it is anywhere from \$500-\$1500 per test. Doug Argo stated that if you require this then you have to put up sampling wells and that is expensive. Doug Argo stated that is why he is suggesting the new zone to drill downstream of our wells to avoid any type of contamination.

Mayor Williams asked where well #20 is. Rob Woyak stated that it is on 7th Avenue North. Rob Woyak stated that well#20 is the furthest well north. Mayor Williams stated that if we are talking about a new zone the only point in the city limits is Centennial Park and the Airport. Doug Argo stated yes, that would be correct. Councilor Sands stated that it more helpful if we had a map that showed the new zone and where our wells are. Doug Argo stated that we could supply a map like that to the Council. Mayor Williams asked if the Council wanted to see a map with all the wells and the delineation zones on it. Councilor Heleker asked if we are mapping out the areas that we are willing to fight for. Clerk Cordova stated yes. Councilor Jensen asked if there was a lot size limitation. Doug Argo stated that there is a spacing rule, but that is different than a lot size. Clerk Cordova stated that the spacing rule can be amended so keep that in mind. Mayor Williams stated that we can control some things, but how big of a fight are we willing to make. Doug Argo stated that we can establish a zone wherever we want, but the question is whether or not it will stand up in court. Clerk Cordova stated that in Pennsylvania it has gone to the Supreme Court. Clerk Cordova stated that we have to have a good definition on zoning; it all comes down to zoning. Councilor Hanigan stated that creating the overlay zone is going to be our best shot at protecting our water. Mayor Williams stated that the biggest thing we need to protect is our aquifer. Alan Massey stated that we should make it as difficult as possible for them to operate. Stan Clements stated that we can also access permit fees, so we can decide what to charge them. Clerk Cordova stated that we cannot charge more than it costs us to process it. Stan Clements stated that we make them put up an extravagant bond then. Clerk Cordova stated that she would caution us against that. Stan Clements stated that he doesn't know what we can do then; maybe we are just wasting our time. Mayor Williams asked if we want to make it difficult for them. Councilor Jensen stated no. Doug Argo stated that as long as we have something that can stand up in court, we have a leg to stand on and that is what we need to do tonight.

The work session concluded at 6:48 PM.

6:50 PM – Public Hearing

- A. An application by Ed & Rhonda Anspach for a Variance of 13' of the side setback to construct a wood shade structure at 1307 1st Avenue South, Lots 1&2 of Block 22 of the amended plat of Melchers Addition. The Property is zoned A-Residential.

Ed Anspach – 1307 1st Avenue South; Payette, Idaho 83661

Mr. Anspach stated that he put up a wood structure that is 13' inside the city lines. Mr. Anspach stated that according to the zoning you have to be back 25' from the property line and I am inside that by 13' and that is what I am here tonight for. It is a shade structure for my outside kitchen and patio cover. Mr. Anspach stated that he kept the height down compared to the house. Councilor Jensen stated that he sees there are letters of support. Mr. Anspach stated yes, they are my surrounding neighbors. Councilor Nelson asked if he is short from the fence or the post. Mr. Anspach stated the post. Councilor Hanigan stated that the setback seem awfully excessive. Councilor Sands asked if there was a building permit issued. Mr. Anspach stated that the building permit is on hold until I get this taken care of. Mr. Anspach stated that his builder

was under the assumption that he did not need to get a building permit. Clerk Cordova stated that the building inspector was out and about and noticed this and that is what prompted all of this. Councilor Sands asked if he was a local contractor. Mr. Anspach stated that he does work in the area. Clerk Cordova stated that the fence is in the right of way, but the issue is with the actual structure which is in the setback. Mayor Williams asked why there was an 80' setback. Clerk Cordova stated that she is unsure. Mayor Williams stated that the purpose of the variance is only granted if it creates an economic hardship. Mr. Anspach stated that it has cost him \$4,000 to build the structure.

The public hearing was closed at 6:58pm.

7:00 PM – Regular Meeting

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

ROLL CALL

Members Present: Mayor Jeff Williams, Mark Heleker, Lee Nelson, Ivan Mussell, Georgia Hanigan, Jeff Sands, and Craig Jensen

Members Absent: None

Staff Present: Mary Cordova, City Coordinator; Randy Schwartz, WWTP Supervisor; Steve Castenada, Fire Chief; Tiffany Howell, Assistant City Clerk; Rob Woyak, Water Supervisor; Jamie Couch, Street Supervisor

PLEDGE

Jamie Couch led the pledge of allegiance.

CITIZENS COMMENTS

None Heard.

APPROVAL OF MINUTES

A motion was made by Heleker and seconded by Mussell to approve the regular minutes of 01-17-2012 and the special meeting minutes of 1-30-2012, as written.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Jensen and seconded by Nelson to approve the City Bills & Payroll in the amount of \$410,956.46

At the roll call:

Ayes: Heleker, Nelson, Mussell, Hanigan, Sands, Jensen

Nays:

The motion CARRIED

SPECIAL ORDERS

None

COMMUNICATIONS

A. Thank You Cards to Fire Department

PLANNING & ZONING

A. 12-15-2012 Meeting Minutes

OLD BUSINESS

None

NEW BUSINESS

A. Kit Kamo – Quick Response Team

Kit stated that in 2007 the State had 2000 leads. We have people looking at the area but no one has come to town yet. Mrs. Kamo stated that you would want someone knowledgeable about the different areas of expertise. Mrs. Kamo stated that since she never knows what companies will be coming through looking at Payette, that it is a good idea to get this committee together. Mrs. Kamo stated that when someone comes in we gather the committee and go around with the person. The State of Idaho is offering a mock site visit program for Payette and Washington County. Mayor Williams asked if a community our size is not always ready, should we have 2 or 3 people in each of these. Mrs. Kamo stated that since you are a small community it is ok to have a secondary team ready just in case. Councilor Hanigan asked what the typical size of the group should be. Mrs. Kamo stated that it should start out as a more targeted group then grow to a larger group.

B. Variance Application – Ed & Rhonda Anspach

A motion was made by Mussell and seconded by Jensen to approve the variance permit application by Ed & Rhonda Anspach at 1307 1st Avenue South for a 13' variance to the side setback and that a building permit is pulled.

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

C. Re-Appointment of Don Belvoir & Karen Pollock to the Historical Commission

A motion was made by Heleker and seconded by Nelson to re-appoint Don Belvoir & Karen Pollock to the Historical Commission expiring July 2012.

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

D. Re-Appointment of Jean Ruud to the Library Commission

A motion was made by Heleker and seconded by Sands to re-appoint Jean Ruud to the Library Commission for a 5 year term expiring 2/20/2017.

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

E. Pay Request #1 – Granite Excavation – Greenbelt Erosion Repair Project

A motion was made by Hanigan and seconded by Sands to approve pay request #1 for Granite Excavation in the amount of \$48,348.

At the roll call:
Ayes: Heleker, Nelson, Mussell, Hanigan, Sands, Jensen
Nays:

The motion CARRIED

F. Change Order #1 – Granite Excavation – Greenbelt Erosion Repair Project

A motion was made by Mussell and seconded by Heleker to approve change order #1 for Granite Excavation for time only.

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

The motion CARRIED

G. Pay Request #10 – Kepha Construction – Library Project

A motion was made by Heleker and seconded by Jensen to approve pay request #10 for KEPHA Construction for the Library Project in the amount of \$65,530.01.

At the roll call:
Ayes: Heleker, Nelson, Mussell, Hanigan, Sands, Jensen
Nays:

The motion CARRIED

H. Change Order #8 – Kepha Construction – Library Project

A motion was made by Heleker and seconded by Mussell to approve change order #8 by KEPHA Construction for the Library Project in the amount of \$5,477.09 as well as adding 7 days to the contract date.

At the roll call:
Ayes: Heleker, Nelson, Mussell, Hanigan, Sands, Jensen
Nays:

The motion CARRIED

I. Pay Request #4 – Scott Hedrick Construction – ROSE Advocates

A motion was made by Hanigan and seconded by Sands to approve pay request #4 by Scott Hedrick Construction for the ROSE Advocates Project in the amount of \$56,410.00.

At the roll call:
Ayes: Heleker, Nelson, Mussell, Hanigan, Sands, Jensen
Nays:

The motion CARRIED

J. Payette County Planning & Zoning Commission – CUP – 1720 North River Road

A motion was made by Mussell and seconded by Heleker to send a favorable recommendation to Payette County Planning & Zoning Commission for a conditional use permit at 1720 North River Road with privacy fencing around the carnival equipment.

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

The motion CARRIED

K. ORDINANCE #1357 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 5.12 OF THE PAYETTE MUNICIPAL CODE EATING AND DRINKING ESTABLISHMENTS; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING A REPEALER CLAUSE; ESTABLISHING A PENALTY; ALLOWING FOR PUBLICATION IN SUMMARY FORM; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW- 1st Reading

A motion was made by Heleker and seconded by Hanigan to introduce Ordinance 1357 by title only.

The motion CARRIED.

A motion was made by Heleker and seconded by Jensen to suspend the rules and pass Ordinance 1357 on its first reading.

The motion CARRIED.

A motion was made by Heleker and seconded by Nelson that Ordinance 1357 do pass.

The motion CARRIED.

DEPARTMENTAL REPORTS

- A. Police Department – December 2011
- B. Fire Department – January 2012
- C. Engineering Status Report – February 6, 2012

Clerk Cordova stated that the pool should be open back up for normal operating hours tomorrow. The building inspector has looked at the plywood and the trusses and everything seems to be doing well. She also stated that they will be seeking professional advice on how to fix this issue for the future.

MAYOR'S COMMENTS

Mayor Williams stated that he went with Jewel Dudley and Ann Curtis and made a presentation on the HWY 52 Scenic Bypass. Mayor Williams stated that they gave their endorsement from the committee and sent it on to ITD.

Mayor Williams asked if any of the committees have thought of having the youth advisory committee members on the Historical Committee, Library Committee and Parks and Recreational Committee.

CITIZEN'S COMMENTS

Shara Kehrer, 500 15th Avenue North; Payette, Idaho 83661

Ms. Kehrer stated that she has 200 youth and 30 adults for a Youth Activity Group on April 14th. Ms. Kehrer stated that she would like some ideas as soon as possible as to what they could do around the city to help.

Ivan Mussell stated that he went to the PMDC meeting and they asked if the City has 20 cones to put in the muddy areas of the golf course. Jamie Couch stated that he will contact the golf course and let them know he has some cones for them. Ivan asked that he call Paul or Chuck.

EXECUTIVE SESSION – Pursuant to I.C. 67-2345(1)(f), the City Council will recess into Executive Session to discuss with legal counsel for the public agency pending litigation or where there is general public awareness of probable litigation.

A motion was made by Heleker and seconded by Nelson to adjourn to executive session 67-2345(1) (f) at 8:01pm.

The motion CARRIED.

A motion was made by Heleker and seconded by Hanigan to reconvene back into regular meeting at 8:20pm

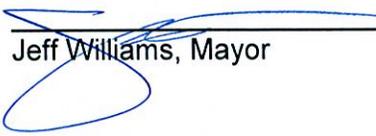
The motion CARRIED.

ADJOURNMENT

A motion was made by Heleker and seconded by Hanigan to adjourn the regular meeting at 8:20 PM.

The motion CARRIED.

Signed this 22 day of February, 2012.



Jeff Williams, Mayor

ATTEST: 

Mary Cordova, City Clerk

CITY OF PAYETTE
February 6, 2012

CITY PAYROLL	BT	106,794.72
BONANZA MOTORS	5984	23,879.81
SNAKE RIVER ECONOMIC ALLIANCE	5985	6,250.00
A-PLUS AWARDS	5986	8.50
ACTION COURIERS, INC.	5987	24.78
ADVANCED CONTROL SYSTEMS	5988	269.00
ALLIED BUSINESS SOLUTIONS	5989	864.68
ANALYTICAL LABORATORIES, INC.	5990	151.00
ASSN. OF IDAHO CITIES, INC.	5991	175.00
BRADY INDUSTRIES, INC.	5992	115.85
CAMPBELL TRACTOR	5993	291.78
CEPI	5994	75.00
CESCO	5995	510.00
CITY CLEANERS	5996	199.95
CLAY PEAK LANDFILL	5997	2,240.06
COLEY'S GLASS COMPANY, LLC	5998	655.34
CORDOVA, MARY	5999	66.81
COUNTRYSIDE GIFTS	6000	15.00
DART'S TRUE VALUE	6001	1,823.02
DAVISON, COPPLE, COPPLE & COX	6002	320.00
DCS TECHNOLOGIES	6003	75.00
ENVIRONMENTAL EXPRESS	6004	192.66
ERNIE'S ELECTRIC, INC.	6005	687.37
FEDEX	6006	200.86
FILTRATION TECHNOLOGY	6007	2,398.88
FRUITLAND ELECTRIC	6008	1,499.94
GALL'S INC.	6009	152.43
GRAFIX SHOPPE	6010	387.10
GRANITE EXCAVATION	6011	48,348.00
GRANT'S PETROLEUM	6012	74.90
HANIGAN, GEORGIA	6013	72.00
HARDIN SANITATION, INC.	6014	802.36
HOLLIS R.V. REPAIR	6015	12.30
ICRNP	6016	1,225.00
IDAHO POWER, PROCESSING CENTER	6017	16,177.36
IDAHO STATE FIRE MARSHAL	6018	25.00
INDEPENDENT ENTERPRISE	6019	497.30
INTERMOUNTAIN COMMUNITY BANK	6020	1,942.27
INTERSTATE ALL BATTERY	6021	83.84
ISPED	6022	160.00
JENSEN, CRAIG	6023	10.00
KEEPA CONSTRUCTION	6024	65,530.01
KIDS DISCOVER	6025	19.95
KINETICO QUALITY WATER SYSTEMS	6026	159.80
MARC CORPORATION	6027	822.30
METROQUIP, INC.	6028	5,702.87
MICROMARKETING	6029	513.17
NAPA AUTO PARTS	6030	1,974.47
NORCO	6031	487.64
ONTARIO BEARING & HYDRAULIC	6032	24.47
ONTARIO FLOORS TO GO	6033	730.00
ONTARIO TOOL AND RENTAL	6034	500.00
OXARC	6035	913.64
PAPERCLIPS A MORE	6036	357.72
PAYETTE AUTO SUPPLY	6037	516.86
PAYETTE CHAMBER OF COMMERCE	6038	200.00
PAYETTE COUNTY HISTORICAL SOCIETY	6039	1,000.00
PAYETTE PRINTING	6040	357.91
PUBLIC AGENCY TRAINING COUNCIL	6041	295.00
RESPOND FIRST AID SYSTEMS	6042	201.14
RHINEHART, LARRY & KATHY	6043	1,250.00
RIVERSIDE INC	6044	2,438.00
S&H TERMINAL, INC.	6045	296.95
SCHWARTZ, RANDOLPH D.	6046	15.00
SCOTT HEDRICK CONSTRUCTION	6047	56,410.00
SHEPDOG AMMO	6048	602.00
SNAKE RIVER VETERINARY CENTER	6049	91.47
STAPLES CREDIT PLAN	6050	700.65
STATE INSURANCE FUND	6051	47,132.00
STERLING CODIFIERS	6052	384.00
SYME ELECTRIC	6053	519.50
THIS OLD HOUSE	6054	29.00
TOSHIBA FINANCIAL SVC	6055	176.00
UNITED PARCEL SERVICE	6056	17.83
VENEGAS, ALEJANDRO	6057	226.00
VMLC	6058	20.00
WHITE CLOUD COMMUNICATIONS	6059	455.00
WIENHOFF DRUG TESTING	6060	65.00
ZEE SERVICE CO.	6061	66.21
		410,956.46