



**AGENDA  
PAYETTE CITY COUNCIL  
JUNE 2, 2014  
WORK SESSION & REGULAR MEETING**

**HONORABLE MAYOR JEFFREY T. WILLIAMS PRESIDING**

**LEE NELSON                      MARK HELEKER  
CRAIG JENSEN                 JEFF SANDS  
NANCY DALE                    RAY WICKERSHAM**

**5:30 PM – Work Session**

- A. Discussion of Proposed Gas & Oil Ordinance

**7:00 PM – Regular Meeting**

- I. ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. CITIZENS COMMENTS
- IV. APPROVAL OF MINUTES
  - A. 05-19-2014 Work Session & Regular Meeting..... 1
- V. APPROVAL OF BILLS & PAYROLL..... 7
- VI. SPECIAL ORDERS
- VII. COMMUNICATIONS
- VIII. PLANNING & ZONING
  - A. Meeting Minutes of 05-22-14..... 8
- IX. OLD BUSINESS
  - A. Treasure Valley Transit – FY 15 Funding Request..... 10
  - B. Personnel Policy Amendments – Paid Time Off..... 12
- X. NEW BUSINESS
  - A. AIC Voting Delegate
  - B. Ordinance 1382 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING OF TITLE 15 OF THE PAYETTE MUNICIPAL CODE BY ADDING NEW CHAPTER 15.06 ENTITLED REBAR REQUIREMENTS; CREATING PENALTIES FOR VIOLATION; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING REPEALER. – 1<sup>st</sup> Reading..... 13
  - C. Impact Fees – Payette Commercial Complex
  - D. Resolution #2014-08 – Surplus Property..... 15
  - E. Western Treasure Valley Urban Fire & Rescue Mutual Aid Agreement..... 17
  - F. Personnel Policy Amendments – Chapter VI..... 22
  - G. Phone system – Phoneworks Proposal
- XI. DEPARTMENTAL REPORT
- XII. MAYOR'S COMMENTS
- XIII. CITIZEN'S COMMENTS  
(Limited to 5 minutes per person, at the discretion of the Mayor)
- XIV. ADJOURNMENT

*Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024*

### Comparison of Old vs. New Regulations for Pipelines, Oil & Gas Wells

	OLD	NEW
<b>Where is drilling permitted?</b>	Industrial zoning districts w/ approval of a Special Use Permit	Any zoning district w/ approval of a Special Use Permit (SUP)
<b>Notice to surrounding property owners</b>	<i>Drilling</i> – 500 feet <i>Pipelines</i> – None specified in ordinance (staff notifies within 500 feet of proposed alignment).	<i>Drilling and Pump Stations</i> – 600 feet <i>Pipelines</i> – 500 feet
<b>Application requirements</b>	<i>SUP</i> – none. <i>Drilling permit</i> – documents addressing safety and nuisance abatement unspecified.	<i>SUP</i> – Incident reports; geologic report; alternative drilling locations; preliminary plans for site layout, pipeline alignments and other accessory equipment; noise, lighting, landscaping, risk assessment, hazard mitigation, and emergency response. <i>Drilling, Production, Re-work, Pipeline, and Pump Station Permits</i> – Final plans of all items previously noted.
<b>Distancing, Spacing &amp; Setbacks</b>		
<b>Well bore to protected use*</b>	350 feet	600 feet
<b>Well bore to off-site building or structure for shelter of property</b>	300 feet	300 feet unless affected property owners consent to encroachment
<b>Well bore to off-site building or structure for shelter of persons and animals</b>	300 feet	600 feet
<b>Well bore to fresh water well</b>	None	600 feet unless affected property owners consent to encroachment
<b>Battery tanks to protected use*</b>	250 feet	300 feet
<b>Battery tanks to off-site building or structure</b>	200 feet	300 feet
<b>Battery tanks to fresh water well</b>	None	600 feet unless affected property owners consent to encroachment
<b>Pump station to protected use*</b>	None	600 feet
<b>Pump station to off-site building or structure for shelter of persons and animals</b>	None	600 feet unless affected property owners consent to encroachment
<b>Pump station to fresh water well</b>	None	600 feet unless affected property owners consent to encroachment
<b>Drill site to street</b>	None	50 feet
<b>Pipeline to protected use*, etc.</b>	None	None; However, as part of the overall code revisions, staff is reviewing areas for pipeline corridors for transmission lines and potential ordinance requirements for uses and structures within the vicinity of transmission lines.
<b>Noise levels</b>	None specified	Provide ambient noise level study -or- meet requirement not to exceed 70 decibels for drilling

		operations; not to exceed 55 decibels during the daytime & 45 decibels during the nighttime for production and pump station operations.
<b>Minimum landscaping &amp; screening requirements</b>	50-foot buffer yard with required plantings.	50-foot buffer yard with required plantings prior to the production phase. Applicant required to provide plan showing how production equipment will be screened based upon surrounding property.
<b>Traffic circulation</b>	None	Access management plan to be approved by Public Works Director.
<b>Access maintenance fee</b>	None	Fee to cover anticipated annual costs for city road access maintenance and cleaning.
<b>Technical review by oil &amp; gas industry experts [city consultant]</b>	None	Provision for review at SUP, drilling & production phases; City will choose consultant and applicant will reimburse the city for the costs.
<b>Inspections</b>	One-time inspections of buildings and structures for conformance with Building & Fire Codes. But, no specific inspection protocol for the wells, rigs and tanks.	Drilling operations – weekly inspections and annual reports; Production & pipeline operations – quarterly inspections and annual reports
<b>Penalties</b>	Revocation of SUP and drilling permit	Revocation of SUP, drilling and production permits. Fines – \$1,000 for non-culpable mental state; \$2,000 for culpable mental state.
<b>Abandonment</b>	None	Restore the site to the same or better condition.
<b>Insurance requirements</b>		
<b>Public liability</b>	\$100,000 per person and \$300,000 per accident; min. \$25,000 per property damage accident	Part of umbrella liability coverage
<b>Commercial general liability</b>	None	\$1 million per occurrence
<b>Umbrella liability</b>	None	\$10 million per occurrence
<b>Environmental pollution</b>	None	\$5 million per loss
<b>Control of well</b>	None	\$10 million per occurrence; \$500,000 sub-limit endorsement
<b>Workers' compensation</b>	None	Texas Statutory limits
<b>Employers Liability</b>	None	\$500,000 per accident
<b>Automobile liability</b>	None	\$1 million per occurrence
<b>Permit expiration</b>	None	SUP – 1 year if drilling has not commenced. <i>Drilling and production permits</i> – 180 days if drilling or production has not commenced. <i>Pipeline permit</i> – 180 days if installation has not commenced.

\*Protected use: Residential dwelling unit, religious assembly building, hospital building, public or private park, public or private school boundary or day care boundary



## 1,000-Foot Drilling Setbacks within Texas (by Population Density)



**Notes**

1. Setback distances for types of uses vary from city to city. See the Table "1,000-Foot Drilling Setbacks from Protected Uses of Cities within Texas ."
2. This data is primarily composed of research from the Municode database, and may not incorporate every city that has a 1,000-foot drilling setback.
3. Some cities allow a reduction in the 1,000-foot setback with or without City Council approval if property owners within the buffer give written consent.
4. These cities measure setbacks from the well bore or the drill site, which may encompass more than one well bore.
5. The ordinances for the cities of Aledo, Bedford, Corinth, and Denton only pertain to the drilling of gas wells.

1000-Foot Drilling Setbacks from Protected Uses of Cities Within Texas

	Population	Square Miles	Density (# of residents per square mile)	Public Park	Private Park	Residence	Commercial Building	Religious Institution	Hospital Building	School	School Boundary	Day Care	Day Care Boundary	Public Building	Other Off-site Structure	Water Well	Public Library	Property Line
Aledo	2,716	1.9	1,429	1,000	N/A	1,000	1,000	1,000	1,000	1,000	N/A	1,000	N/A	1,000	1,000	200	1,000	N/A
Bedford	46,979	10	4,698	600	N/A	600	600	600	600	1,000	N/A	600	N/A	600	N/A	500	600	N/A
Converse	18,198	6.3	2,889	N/A	N/A	1,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Coppell	38,659	14.94	2,588	1,000	N/A	1,000	1,000	1,000	1,000	1,000	N/A	1,000	N/A	1,000	1,000	N/A	1,000	N/A
Corinth	19,935	41	2,523	1,000	N/A	1,000	N/A	1,000	1,000	1,000	N/A	N/A	N/A	N/A	N/A	200	N/A	200
Denison	22,682	22.9	990	N/A	N/A	1,000	1,000	1,000	1,000	1,000	N/A	N/A	N/A	1,000	N/A	N/A	1,000	N/A
Denton	113,383	62.3	1,820	1,000	N/A	1,000	N/A	1,000	1,000	1,000	N/A	N/A	N/A	1,000	500	1,000	1,000	N/A
Dickinson	18,680	9.8	1,906	1,000	N/A	500	500	1,000	1,000	1,000	N/A	N/A	N/A	1,000	500	1,000	1,000	500
Flower Mound	64,669	43.4	1,490	1,000	N/A	1,000	500	1,000	1,000	1,000	N/A	N/A	N/A	1,000	500	1,000	1,000	500
Grapevine	46,334	35.9	1,291	1,000	N/A	1,000	N/A	1,000	1,000	1,000	N/A	N/A	N/A	1,000	100	1,000	1,000	500
Kingsville	26,213	13.9	1,886	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,000	1,000	500
La Marque	14,509	14.3	1,015	N/A	N/A	2,000	N/A	2,000	2,000	2,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Lumberton	11,943	9.4	1,271	N/A	N/A	1,000	1,000	1,000	1,000	1,000	N/A	1,000	N/A	1,000	N/A	N/A	1,000	N/A
Marvel	5,179	23.3	222	N/A	N/A	2,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
McKinney	131,117	62.9	2,085	1,000	N/A	1,000	500	1,000	1,000	1,000	N/A	N/A	N/A	1,000	N/A	N/A	2,000	N/A
Morgan's Point	4,170	1.8	2,317	N/A	N/A	1,000	1,000	1,000	1,000	1,000	N/A	500	N/A	1,000	N/A	1,000	1,000	500
Nederland	17,547	5.7	3,078	N/A	N/A	1,000	1,000	N/A	N/A	N/A	N/A	N/A	N/A	1,000	N/A	1,000	1,000	500
Port Neches	13,040	9.2	1,417	N/A	N/A	1,000	1,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1,000	1,000	N/A
Roanoke	5,962	6	994	1,000	N/A	1,000	500	1,000	1,000	1,000	N/A	500	N/A	1,000	500	1,000	1,000	N/A
Rockport	8,766	14.5	605	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Seabrook	11,952	21.5	556	N/A	N/A	1,500	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Southlake	26,575	21.9	1,213	N/A	N/A	1,000	1,000	1,000	1,000	1,000	N/A	1,000	N/A	1,000	1,000	N/A	1,000	N/A
Victoria	62,592	33.1	1,891	N/A	N/A	600	600	1,500	1,500	1,500	N/A	N/A	N/A	1,500	N/A	N/A	1,500	N/A
Weatherford	25,250	22.7	1,112	1,000	N/A	1,000	N/A	N/A	1,000	N/A	1,000	N/A	N/A	N/A	N/A	1,000	1,000	N/A
Westlake	992	6.7	148	1,000	N/A	1,000	1,000	1,000	1,000	N/A	1,000	1,000	N/A	1,000	N/A	N/A	1,000	N/A

Notes:

1. This data is primarily composed of research from the Municode database and may not incorporate every city that has a 1,000-foot drilling setback.
2. Some cities allow reduction in 1,000-foot setback with or without City Council approval if property owners within the buffer give consent.
3. These cities measure setbacks from the well bore or the drill site, which may encompass more than one well bore.
4. The ordinances for the cities of Aledo, Bedford, Bedford, Corinth and Denton only pertain to the drilling of gas wells.

Drilling Setbacks from Protected Uses of Cities within Texas (Less than 1,000 feet)

	Population	Square Miles	Density (# of residents per square mile)	Public Park	Private Park	Residence	Commercial Building	Church	Hospital Building	School Boundary	School	Day Care Boundary	Day Care	Public Building	Other Off-site Structure	Water Well	Public Library	Property Line
Alvin <sup>1</sup>	24,236	17.3	1,401	N/A	N/A	500	N/A	500	500	500	N/A	N/A	N/A	500	500	1,000	500	500
Baytown	71,802	33.2	2,163	N/A	N/A	500	500	500	500	N/A	500	N/A	500	500	500	N/A	500	N/A
Bryan	76,201	43.3	1,760	600	600	600	N/A	600	600	N/A	600	N/A	600	600	N/A	N/A	600	200
College Station	93,857	40.34	2,327	600	600	600	N/A	1,000	1,000	N/A	1,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Conroe	56,207	37.9	1,483	N/A	N/A	500	500	500	500	N/A	500	N/A	500	N/A	N/A	N/A	N/A	N/A
Galveston	47,743	46.1	1,036	300	300	500	500	500	500	N/A	500	N/A	500	N/A	N/A	N/A	500	N/A
Friendswood	35,805	21	1,705	N/A	N/A	500	500	500	500	N/A	500	N/A	500	N/A	N/A	500	N/A	N/A
Houston	2,095,451	579.4	3,623	N/A	N/A	400	400	400	400	N/A	400	N/A	400	N/A	N/A	500	N/A	N/A
La Porte	33,800	18.9	1,788	N/A	N/A	750	750	N/A	N/A	750	N/A	N/A	N/A	750	N/A	750	N/A	N/A
Mansfield <sup>4</sup>	56,368	36.5	1,544	N/A	N/A	600	600	N/A	1,000	600	N/A	600	N/A	600	N/A	N/A	N/A	600
Missouri City <sup>3</sup>	67,358	29.7	2,268	N/A	N/A	400	400	400	400	N/A	400	N/A	400	400	400	N/A	400	400
Pasadena	149,043	44.2	3,372	N/A	N/A	400	400	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Pearland <sup>2</sup>	91,252	39.3	2,322	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Pflugerville	46,936	11.3	4,154	600	600	600	N/A	600	600	N/A	600	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Texas City	45,099	62.4	723	N/A	N/A	600	600	600	600	N/A	600	N/A	600	600	600	N/A	600	N/A
Grand Prairie	175,996	71.4	2,457	1,000	N/A	700	N/A	700	700	N/A	700	N/A	N/A	700	N/A	N/A	N/A	N/A
Keller	39,627	18.4	2,154	600	600	600	600	600	600	N/A	600	N/A	600	600	600	600	600	200
Farmers Branch	28,616	12	2,385	600	600	600	300	600	600	N/A	600	N/A	N/A	600	N/A	300	600	100
League City (Current)	83,560	52.82	1,582	N/A	N/A	300	300	350	350	350	N/A	N/A	300	350	300	N/A	350	N/A
League City (Proposed)	83,560	52.82	1,582	600	600	600	300	600	600	600	N/A	600	N/A	300	300	200	300	N/A

Notes:

1. Alvin - Setback is to the boundary line of schools, colleges, hospitals, churches and public buildings. Setback also applies to recorded lots where there are no structures.
2. Pearland - Setbacks are determined by Council.
3. Missouri City - Setback also applies to recorded lots where there are no structures.
4. Mansfield - 600-ft. setback applies to recorded lots where there are no structures and unplatted lots where there are residences, public buildings, schools, day cares and commercial buildings. 1,000-ft. setback applies to public buildings that are low enforcement and nursing homes.
5. Cities selected for comparison are surrounding cities and cities of similar populations to League City.
6. It should be noted that a few of the cities included in this comparison have some setbacks from protected uses of 1,000 feet. However, they were still included in this comparison since the other protected uses were less than 1,000 feet.

**Table 1: Key Provisions of New York Proposed Regulations**

<p><b>1. Drilling Permits</b></p>	<p>Permit requirements include:</p> <ul style="list-style-type: none"> <li>• Chemicals to be used</li> <li>• Distances to any water supplies</li> <li>• Water sources and volumes to be used</li> <li>• Drill cutting disposal plan</li> <li>• Reclamation and transportation plan</li> </ul>
<p><b>2. Pooling</b></p>	<p>Forced pooling and unitization, both forced and voluntary, are covered by existing state law, with no proposed changes.</p>
<p><b>3. Well Spacing</b></p>	<p>New spacing requirements are proposed, ranging from 330 feet to 1,500 feet from another unit's boundary, such lengths to be determined by depth of the pool.</p>
<p><b>4. Setbacks</b></p>	<p>As measured from the edge of the wellpad, wells may not be drilled:</p> <ul style="list-style-type: none"> <li>• Within 500 ft. of wells/aquifers</li> <li>• Within a 100 year floodplain</li> <li>• Within 2,000 ft. of public water supply</li> <li>• On any state land</li> <li>• Within 4,000 ft. of unfiltered surface water supply watershed</li> </ul>
<p><b>5. Insurance and Bonds</b></p>	<p>Required in the amount estimated to plug the well in accordance with plugging specifications. Amount may not exceed \$250,000, and if more than one well drilled, total may not exceed \$2,000,000.</p>
<p><b>6. Well Casing and Cementing</b></p>	<p>Precise standards specified in the regulations, with intermediate casing required. Notification required prior to cementing, with a log remaining available at all times for inspection. Pressure tests required.</p>
<p><b>7. Hydraulic Fracturing Operations Standards</b></p>	<ul style="list-style-type: none"> <li>• Backup containers required for flow-back and additive containers</li> <li>• Two vacuum trucks required on site</li> <li>• Maximum of 95% pressure rating</li> <li>• Suspension and notification of DEC required if pressure deviation</li> <li>• No pits allowed for flow-back</li> <li>• Roads must minimize disturbance</li> <li>• Pit liners must meet specifications</li> <li>• Emergency response plan required</li> <li>• Non-routine incidents must be reported</li> </ul>
<p><b>8. Water Management</b></p>	<p>Withdrawals require permits, and there are four tightly prescribed disposal methods guided by SPDES permitting:</p> <ul style="list-style-type: none"> <li>• POTW</li> <li>• Privately-owned treatment facilities</li> <li>• Onsite treatment and recycling</li> <li>• Deep well injection</li> </ul>
<p><b>9. Waste Disposal</b></p>	<p>Drill cuttings must be disposed of in approved solid waste facility, unless pits are granted approval by landowner.</p>
<p><b>10. Air Quality</b></p>	<p>Several proposed restrictions on operators to mitigate adverse air quality impacts. An air monitoring program is also proposed, at the regional and operations levels.</p>

**Table 2: Key Provisions of Ohio Regulation**

<b>1. Drilling Permits</b>	No new wells unless operator obtains a permit. Notice of application must be provided to property owners/ municipalities within 500 feet of the well's surface location. Fee structure increases in correlation with population surrounding the well.
<b>2. Pooling</b>	Voluntary pooling is allowed if the agreement conforms to certain requirements. Mandatory pooling may be requested if land is insufficient size or owner is unable to voluntarily pool.
<b>3. Well Spacing</b>	The surface location of a new well shall not be within 100 feet to another well.
<b>4. Setbacks</b>	A new well shall not be within: <ul style="list-style-type: none"><li>• 100 feet of restricted area</li><li>• 50 feet to a public road or railroad track</li><li>• 150 feet to occupied dwelling</li><li>• 200 feet to occupied dwelling and 150 feet to property subject to mandatory pooling</li></ul>
<b>5. Insurance and Bonds</b>	Liability insurance of not less than 1 million dollars. If in urban area, not less than 3 million dollars. A surety bond must be executed and filed in order to comply with division requirements.
<b>6. Well Casing and Cementing</b>	Division Chief may shut down well if defective casing is found. Evaluation logs, surveys, and test may be required for the cementing used at wells.
<b>7. Hydraulic Fracturing Operations Standards</b>	Fluids used must not endanger ground water. The geologic formation and fluid composition used must be submitted to division.
<b>8. Water Management</b>	No wells shall be located within 50 feet of stream, river, etc. U.S. Clean Water Act 401 permits are required if impact to wetlands, streams, etc. Water disrupted shall be restored or the landowner appropriately compensated.
<b>9. Waste Disposal</b>	Department recently promulgated more stringent rules for waste disposal and the draft rules are available at Dept. website. The Dept. handles on site waste disposal. Ohio EPA handles off site waste disposal.
<b>10. Air Quality</b>	General Permitting conducted by Ohio EPA in order to grant speedy review of Marcellus well permits.

**Table 3: Key Provisions of Pennsylvania Regulations**

<b>1. Drilling Permits</b>	No wells shall be drilled without a permit. Notice of permit application must be provided to landowners, water purveyors, and gas storage operations within 3000 feet of the well bore.
<b>2. Pooling</b>	Voluntary integration is allowed in Pennsylvania. Operators may request an integration order, but the DEP must provide adequate notice to parties and conduct public hearings.
<b>3. Well Spacing</b>	Well spacing is handled by the DEP through the issuance of spacing orders. The DEP takes multiple factors into account when reviewing the requested spacing order.
<b>4. Setbacks</b>	A new vertical well bore shall not be within: <ul style="list-style-type: none"><li>• 500 feet of buildings or water wells</li><li>• 1,000 feet of water sources used by purveyors</li><li>• 300 feet from streams, springs, wetlands, and other water bodies.</li></ul>
<b>5. Insurance and Bonds</b>	Bonds are increased in accordance with length of the well bore and the number of wells. The maximum bonds range from \$35,000 to \$600,000.
<b>6. Well Casing and Cementing</b>	Required when drilling through water strata or coal seam. Cement must set at 500 lbs of pressure per square inch. Also, must set for minimum of 8 hours.
<b>7. Hydraulic Fracturing Operations Standards</b>	Disclosure of fluids and composition required through forms and online registry. A safe harbor is present for operators that receive fluids from manufacturer claiming trade secret/ proprietary privilege.
<b>8. Water Management</b>	Water management plans are now required for well sites. Rebuttable presumption of contamination responsibility if with 2500 feet of well bore and within 12 months of well's completion.
<b>9. Waste Disposal</b>	Containment plans are now required for well sites. Record keeping requirements for fracturing waste must be maintained for 5 years.
<b>10. Air Quality</b>	Emissions data is currently being collected in compliance with federal law. Recent revisions to Plan Approval and General permitting for natural gas facilities.

**Table 4: Key Provisions of West Virginia Regulation**

<p><b>1. Drilling Permits</b></p>	<p>Each application must include:</p> <ul style="list-style-type: none"> <li>• Certified erosion control plan</li> <li>• Certified construction plan</li> <li>• Site safety plan</li> <li>• \$10,000 fee for initial well and \$5,000 for each additional well at that pad.</li> </ul>
<p><b>2. Pooling</b></p>	<p>Pooling and unitization rules apply as before:</p> <ul style="list-style-type: none"> <li>• Shallow well rules apply to 100 feet into Onondaga group and above, and deep wells below</li> <li>• Voluntary pooling/unitization allowed for all wells</li> <li>• Deep wells can be force pooled by Commission under existing statute.</li> </ul>
<p><b>3. Well Spacing</b></p>	<p>No spacing requirements for shallow wells. Deep well spacing requirements are 3,000 feet from another well and 400 feet from a lease/unit boundary.</p>
<p><b>4. Setbacks</b></p>	<p>As measured from the center of the well pad, no well may be drilled within:</p> <ul style="list-style-type: none"> <li>• 625 feet of an occupied dwelling.</li> <li>• 100 feet of a stream, pond, or wetland</li> <li>• 300 feet of a trout stream</li> <li>• 1,000 feet of surface/ground public water supply intake</li> </ul>
<p><b>5. Insurance and Bonds</b></p>	<p>Performance bond required in amount of \$50,000 for each well drilled, with a \$250,000 bond available to cover all wells drilled.</p>
<p><b>6. Well Casing and Cementing</b></p>	<p>“Casing programs” are required for each well used, in accordance with the basic guidelines. The secretary may promulgate additional standards. Any defects/migration require prompt notification of the secretary.</p>
<p><b>7. Hydraulic Fracturing Operations Standards</b></p>	<p>Operator is required at a minimum to:</p> <ul style="list-style-type: none"> <li>• Remediate area disturbed</li> <li>• Follow industry standards to minimize hazards</li> <li>• Prevent runoff</li> <li>• Keep returned fluids from entering ground and surface waters.</li> </ul>
<p><b>8. Water Management</b></p>	<p>Water management plan required, which requires no permit, but must indicate:</p> <ul style="list-style-type: none"> <li>• Location and volume of withdrawal</li> <li>• Water disposal plan</li> <li>• List of anticipated additives</li> </ul> <p>Water disposal methods are not addressed by the statute, but the secretary has disallowed land application of flow-back fluid.</p>
<p><b>9. Waste Disposal</b></p>	<p>Drill cuttings and mud must be disposed of in an approved solid waste facility, unless permission is granted by the landowner to dispose of in onsite pits.</p>
<p><b>10. Air Quality</b></p>	<p>The secretary must study air quality issues, including possible health impacts, within 18 months of the law’s passage, and to promulgate rules if necessary.</p>

## Comparison of State Oil and Gas Regulations and Local Ordinances Regarding Setbacks for the Intermountain West

State Setback Standards	Colorado	Wyoming	Utah	New Mexico	Montana	Alberta, Canada
Distance	At time of initial drilling, wellhead located 150 ft. or 1-1/2 times height of derrick, whichever is greater.  A well shall be a minimum 150 ft. from a surface property line. <sup>1</sup>	Pits, wellheads, pumping units, tanks, and treaters shall be no closer than 350 ft. to places below. <sup>2</sup>	No well with a surface location of 1 mile. <sup>3</sup>	None at state level. See county-level regulations, below.	1/4 mile – Any drilling activity or infrastructure - such as well pads, roads or traffic. <sup>4</sup>	H <sub>2</sub> S-dependent. Anywhere from 100 m (328 ft.) minimum to 1.5 km (~1 mile), depending on H <sub>2</sub> S level. <sup>5</sup>
Applies to	Any building unit, public road, major above-ground utility line, railroad. <sup>6</sup>	Water supplies, residences, schools, hospitals, or other structures where people are known to congregate. <sup>7</sup>	Boundary of a state or federal park, wildlife refuge, or waterfowl management area without consent of appropriate state or federal regulatory agency. <sup>8</sup>	↓ see next page	16 distinct leases abutting prized trout fishing waterways. <sup>9</sup>	Potentially applies to individual permanent dwellings, public facilities, or urban centers, depending on H <sub>2</sub> S level. <sup>10</sup>

<sup>1</sup> 2 Colo. Code Regs. § 404-1 rule 603(a)(2) (2009).  
<sup>2</sup> 055-000-003 Wyo. Code R. § 22(b) (Well 2008), available at <http://sos.wy.state.wy.us/Rules/RULES/71888.pdf>.  
<sup>3</sup> Admin. Code r. 649-3-33(2.2) (2003), available at <http://www.rules.utah.gov/publicat/code/r649/r649-003.htm#T33>.  
<sup>4</sup> Scott Strater, *Energy Development: Monr. Plan to Protect Wildlife Sets Precedent for Setbacks*, Land Letter, Sept. 11, 2008, available at <http://www.cenews.net/ll/2008/09/11>.  
<sup>5</sup> Alberta Government Energy Resources Conservation Board, Directive 056, Table 5.5, available at <http://www.ercb.ca/docs/documents/directives/directive056.pdf>.  
<sup>6</sup> 2 Colo. Code Regs. § 404-1 rule 603(a)(2) (2009).  
<sup>7</sup> 055-000-003 Wyo. Code R. § 22(b) (Well 2008), available at <http://sos.wy.state.wy.us/Rules/RULES/71888.pdf>.  
<sup>8</sup> Admin. Code r. 649-3-33(2.2) (2003), available at <http://www.rules.utah.gov/publicat/code/r649/r649-003.htm#T33>.  
<sup>9</sup> Scott Strater, *Energy Development: Monr. Plan to Protect Wildlife Sets Precedent for Setbacks*, Land Letter, Sept. 11, 2008, available at <http://www.cenews.net/ll/2008/09/11>.  
<sup>10</sup> Alberta Government Energy Resources Conservation Board, Directive 056, Table 5.5, available at <http://www.ercb.ca/docs/documents/directives/directive056.pdf>.

Local Government		New Mexico	
<b>Setback Standards</b>	<b>Eddy County, NM<sup>11</sup></b>	<b>Rio Arriba County, NM<sup>12</sup></b>	<b>Santa Fe County, NM<sup>13</sup></b>
<b>Activity</b>	- Oil and natural gas wells	- Oil & gas development prohibited	- No oil or gas facility shall be located closer than:
<b>Distance from features</b>	- 300 ft. from a residence, mercantile establishment, school or church without written consent of owner.	- In floodplains - 650 ft. from dwellings - 300 ft. from surface water - 200 feet from highways - 200 feet for wells used by less than 5 residents - 1000 ft. from wells used by five or more people	- 750 ft. from inhabited dwellings, building used as place of assembly, school, or institution - 400 ft. from non-residential use or building - 200 ft. from public road or highway - 1000 ft. from groundwater recharge area, alluvial aquifer, perennial, seasonal, or ephemeral water course, creek, arroyo, playa lake, or wetland as defined by the US Army Corps of Engineers - 500 ft. from 100 year floodplain line - 750 ft. from historic or archaeological resource - 200 ft. from county trail or designated open space - 250 ft. from parks, trails, and recreation areas.
			<b>Valencia County, NM<sup>14</sup></b>
			Extraction not to be conducted within 100 ft. of a zoning district boundary or 500 ft. of a well or road.  Both extraction and processing are prohibited within 1000 ft. of schools and health care facilities.

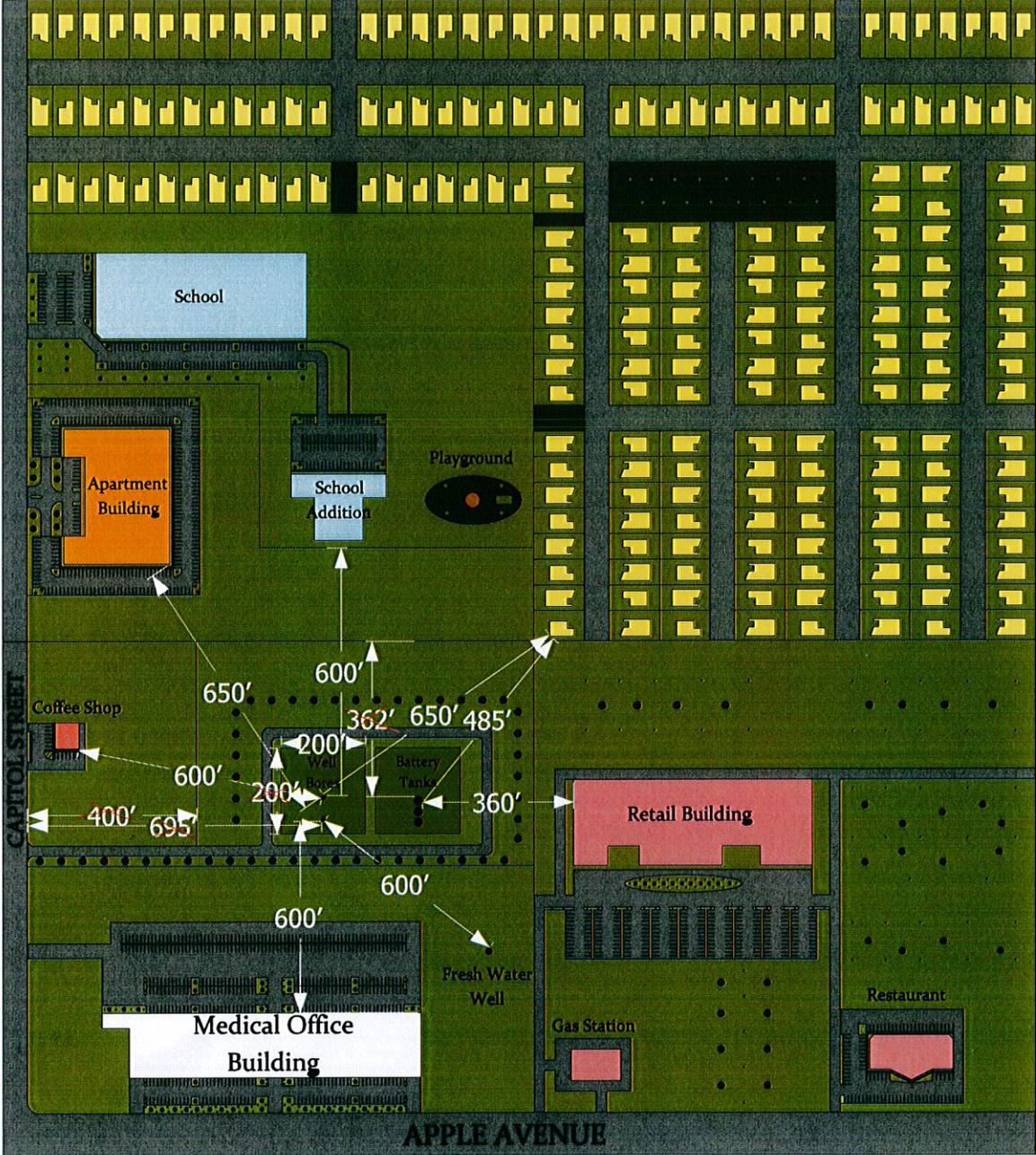
<sup>11</sup> Eddy County, N.M., Ordinance no. 1975-5, available at <http://www.co.eddy.nm.us/Ordinance%20pdfs/oilandgasdrillingO-75-05.pdf>.

<sup>12</sup> Rio Arriba County, N.M., Ordinance no. 2009-01, § 6.2(d), available at [http://www.rio-arriba.org/pdf/2009-01\\_rio\\_arriba\\_county\\_oil\\_and\\_gas\\_ordinance.pdf](http://www.rio-arriba.org/pdf/2009-01_rio_arriba_county_oil_and_gas_ordinance.pdf).

<sup>13</sup> Santa Fe County, N.M., Ordinance no. 2008-19, § 11.26, available at [http://www.santafecounty.org/oilandgas/documents/OILGASORDINANCE\\_NO2008-19.pdf](http://www.santafecounty.org/oilandgas/documents/OILGASORDINANCE_NO2008-19.pdf).

<sup>14</sup> Valencia County, N.M., Code of Ordinances, § 154.091(G)(1), available at [http://www.amllegal.com/nxt/gateway.dll?f=idsid=Valencia%20County,%20NM%20Code%20of%20Ordinances%3A%3Ad8&cid=new%20mexico&document-frame.htm&an\\_ID\\_154.091&ID\\_154.091](http://www.amllegal.com/nxt/gateway.dll?f=idsid=Valencia%20County,%20NM%20Code%20of%20Ordinances%3A%3Ad8&cid=new%20mexico&document-frame.htm&an_ID_154.091&ID_154.091).

# Distancing and Setback Requirements for Oil and Gas Well Drilling



MINIMUM DISTANCE REQUIREMENTS	
Well Bore to Off-Site Building or Structure for the storage of movable property	300 feet
Drill Site to Street	50 feet
Well Bore to Fresh Water Well	200 feet
Battery Tanks to Off-Site Buildings or Structures	300 feet
Battery Tanks to public or private park, dwelling unit, religious assembly building, hospital building, public or private school boundary or day care boundary	300 feet
Well Bore to Off-Site Pool, Building or Structure for Shelter of Persons & Animals	600 feet
Well Bore to public or private park, dwelling unit, religious assembly building, hospital building, public or private school boundary or day care boundary	600 feet



Note: This map was created by the City of League City Planning & Research Department. 08-02-11

**MINUTES  
PAYETTE CITY COUNCIL  
Regular Meeting  
May 19, 2014**

**6:00 PM – Work Session**

A. Discussion of Proposed Gas & Oil Ordinance

Councilor Jensen asked if we could add an email on page 7 to contact the individuals. Clerk Cordova stated that these numbers are for first responders, so someone will be available 24/7. On page 8 Councilor Wickersham stated that the word orientation doesn't quite fit in the page. Clerk Cordova stated that they do give an orientation of where everything is located. Mayor Williams stated that going back to page 7 number 3, in case of an emergency should we have more than just one responder? Should our ordinance have consequences if the information is out of date and we do not have a good emergency contact number? Clerk Cordova stated that on page 15 it address it on section 6. Councilor Jensen stated that he had a question about item 8 on page 8, should we be more specific? Clerk Cordova stated that this is asking for more than what the State requires. Councilor Sands stated that he would like a little leeway on the 21 day application period. Clerk Cordova didn't think that was something that needs to be done. Councilor Nelson stated that on item D it states they get an additional 30 days of staff approval. Councilor Sands asked on section E if we will be allowing temporary office buildings, or should we add it to the ordinance. Councilor Dale stated that it should be moved to the issuance of permit section. Councilor Heleker stated that we should add some wording stating that no overnight stays allowed. Councilor Heleker stated that on page 10 under height, something just doesn't sound right with this paragraph. Clerk Cordova stated that we should leave it the way it is. Councilor Dale stated that we need look at where we want this drilling done. Councilor Nelson stated that on page 4 in the zoning classification we have it Ok'd for any zone, do we need to specify which zones we want drilling to take place in. Mayor Williams stated that Clerk Cordova has stated over and over that we need to look at zoning, and I think we need to really look at what we want for our residents. Councilor Wickersham stated that he would like to see staff put together something that shows our aquifers, schools, wastewater treatment plants and other critical landmarks to the City. Mayor Williams stated that he would like to see more frequent and longer work sessions to get this ordinance complete. Councilor Nelson asked if it could be on rainy days, so it's not fun to be outside.

Work session ended at 7:04pm.

**7:04 PM – Regular Meeting**

A regular meeting of the Payette City Council was called to order at 7:04 PM by Mayor Jeff Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

**ROLL CALL**

Members Present: Mayor Jeff Williams, Mark Heleker, Nancy Dale, Ray Wickersham, Lee Nelson, Craig Jensen and Jeff Sands

Members Absent: None.

Staff Present: Mary Cordova, City Administrator; Doug Argo, Holladay Engineering; Mark Clark, Police Chief; and Tiffany Howell, Assistant City Clerk

**PLEDGE**

Jody Henderson led the pledge of allegiance.

A motion was made by Sands and seconded by Nelson to amend the agenda to add item K, a pay request from IRVCO Asphalt.

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

**CITIZENS COMMENTS**

None.

**APPROVAL OF MINUTES**

A motion was made by Heleker and seconded by Dale to approve the Work Session & Regular meeting minutes of 05-05-2014 as written.

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

**APPROVAL OF BILLS & PAYROLL**

A motion was made by Heleker and seconded by Nelson to approve the City Bills & Payroll in the amount of \$195,180.60

At the roll call:

Ayes: Wickersham, Dale, Heleker, Nelson, Jensen, Sands

Nays:

The motion CARRIED.

**SPECIAL ORDERS**

None.

**COMMUNICATIONS**

- A. Thank You – Payette Senior Citizens
- B. Treasure Valley Paramedics – Open House Celebration
- C. Thank You – Payette Center

**PLANNING & ZONING**

None.

**OLD BUSINESS**

None.

**NEW BUSINESS**

- A. Appointment to Forestry Commission

A motion was made by Wickersham and seconded by Jensen to appoint Liz Belvoir to the Forestry Commission.

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

- B. Treasure Valley Transit – FY 15 Funding Request –

Councilor Sands stated that he would like someone from Treasure Valley Transit to come and explain how they came up with this number and find out what our neighboring cities are paying.

C. Discussion of creation of City Motto –

Councilor Nelson stated that the Chamber is asking what the city's motto is. Councilor Nelson stated that staff was asked and was told we do not have one. Commissioner Heleker stated that it would be the most reasonable to have the Historical Commission come up with the motto. Councilor Nelson stated that he would like to see it as a contest. Mayor Williams stated that he would like to see it go in front of the Historical Commission.

D. Airport Minimum Standards –

A motion was made by Wickersham and seconded by Jensen to approve the amendment to the airport standard to read: Private hangars can be constructed with one access door which is protected by an awning cover, provided the awning is less than 120 square feet in area. Such awning shall not project more than eight feet from the main hangar building and shall remain an open structure. The lease payment for the square footage of the awning shall be computed in the same manner as the lease payment for the hanger.

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

E. Personnel Policy Amendments –

A motion was made by Heleker and seconded by Wickersham to table this to the next meeting.

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

F. Pay Request #1 – D&A Glass Company – ADA Library Doors

A motion was made by Heleker and seconded by Sands to approve Pay Request #1 for D&A Glass Company for the ADA Compliant Library doors in an amount not to exceed \$22,733.75

At the roll: Wickersham, Dale, Heleker, Nelson, Jensen, and Sands  
Nays:

The motion CARRIED

G. Apple Blossom Festival – Food Vendors

Jody Henderson – 933 North 8<sup>th</sup> St # 4; Payette, Idaho -

Mrs. Henderson indicated that she is a member of the Apple Blossom Festival Committee. Mrs. Henderson stated that she is here tonight to ask for a ban on food vendors that come in to the City during the week of Apple Blossom to sell on private property. Mrs. Henderson stated that she thought this was brought up in the 90's and the City put a ban on food vendors, but she couldn't find anything.

The Council discussed several options on this topic. Mayor Williams stated that he would like the Apple Blossom Committee to bring back a proposal to what they would like during that week of Apple Blossom.

H. Fireworks Permit - Kings

A motion was made by Heleker and seconded by Nelson to approve the Fireworks Permit at Kings Store to sell fireworks starting at noon on June 23<sup>rd</sup> and must end at midnight on July 5<sup>th</sup>.

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

I. Special Event Permit – Library Summer Reading Program -

A motion was made by Heleker and seconded by Nelson to approve the Special Event Permit – Library Summer Reading Program to be held in Central Park on June 5<sup>th</sup>, 12<sup>th</sup>, 19<sup>th</sup> and June 26<sup>th</sup>.

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

J. Sunset Rim Subdivision - Addendum 1 -

A motion was made by Sands and seconded by Dale to approve Addendum A for Sunset Rim Subdivision with the correction to the contract to say building permit may be allowed.

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

K. Payment #2 – IRVCO Asphalt

A motion was made by Sands and seconded by Dale to approve pay request #2 to IRVCO Asphalt for the boat ramp grant project in the amount not to exceed \$5,204.47

At the roll call:

Ayes: Wickersham, Dale, Heleker, Nelson, Jensen, and Sands

The motion CARRIED

**DEPARTMENTAL REPORT**

A. Police Department – December 2013

Chief Mark Clark spoke about a shooting at Maverick. Chief Clark stated that the suspect was in Ontario, shot off a shot at a school, and an APB was issued. A county officer was driving through Maverick when he saw the suspect's car. He pulled behind the suspect and asked him to get out of his car. The suspect got out saw that there was no back up, reached back into his car and fired 7 shots at the officer. The officer returned 5 or 6 shots. The officer was shot in the leg and the suspect later died of his injuries. Chief Clark would like to thank the assisting agencies, Payette County, Fruitland Police Department, Ontario Police Department, Idaho State Police and numerous other agencies. Commissioner Jensen asked if there was a child in the car. Chief Clark stated yes, the suspect's 6 year old son was in the front seat.

Chief Clark stated that he had a very un-eventful Apple Blossom; there were a few minor traffic accidents, a few MIP's and a few DUI's but nothing extreme.

Chief Clark stated that Officer Cook will be graduating from POST soon, and we are just waiting to send our newest officer to POST. Chief Clark also stated that Officer Yates will be attending a gun certification class to keep our officers certified.

Chief Clark stated that there were a couple of bank robberies this month in Ontario, so my officers were busy assisting Ontario's agencies while protecting our city. Chief Clark stated that the suspects were arrested in Lewiston after robbing a bank in Cottonwood, Idaho.

### **MAYOR'S COMMENTS**

Mayor Williams stated that he would like to thank Councilor Jensen and all the other Miracle Field participants. It was an excellent event. Councilor Jensen stated that he would like to thank the Councilors and City staff that showed up.

Mayor Williams stated that the City will act as the general contractor for the concession stands, but they won't be started until after August 1<sup>st</sup>.

Councilor Sands stated that he has some heartburn about the dispatch and ambulance fees. Councilor Sands stated that the City of Payette is trying to stay competitive with other surrounding towns, but we are getting into a bad habit if we pay the county \$200,000 some odd dollars for a service, what are we are paying for. Councilor Sands feels that the county should raise their levy rate to compensate for the dispatch fees, not putting it on the city tax payers. Mayor Williams stated that he would like staff to come up with something proactive to oppose this increase.

Mayor Williams stated that the dates for annexation on 7<sup>th</sup> Avenue North have been set by Planning & Zoning for June 26, 2014.

Mayor Williams stated that the phone system bids have come in and we are still waiting for the school district to sign off on the terrain park.

Mayor Williams wanted to know if anyone is going to AIC. Councilor Heleker stated that he would go. Mayor Williams stated that that AIC needs a voting delegate and I would like the Council President to be the voting delegate.

Mayor Williams stated don't forget to vote tomorrow!

### **CITIZEN'S COMMENTS**

Councilor Heleker stated that in regards to the concession stand at the ball fields. He was hoping for the second contractor to get numbers. He could not get people to bid on it because they had already bid on the same project and felt it wasn't going to happen. He said that we put this out there a little prematurely. Mayor Williams stated that Mary asked for the City to be on the PCRD agenda at least a month ago. We finally just said that we would take this on as the general contractor and get this project completed, because this is the only way we can get some action taken on it.

Councilor Sands stated that he feels it was let out of the gate a little early too.

Councilor Wickersham stated that he had the 5k run to the cross and he had one of his runners tell him that this was the toughest, but a fun 5k run.

Clerk Cordova stated that the Payette girls High School Track team got 2<sup>nd</sup> at State Competition. Mayor Williams asked what Clerk Cordova's daughter did at the event. Clerk Cordova stated that

she participated in the high jump. Councilor Heleker stated that they had a great group of girls, and one of our own Harlee Ortega broke state records this year, so congratulations to her.

**ADJOURNMENT**

A motion was made by Heleker and seconded by Wickersham to adjourn the regular meeting at 8:43pm.

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

Signed this \_\_\_\_ day of \_\_\_\_\_, 2014.

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

ATTEST:

\_\_\_\_\_  
Tiffany Howell, Assistant City Clerk

CITY OF PAYETTE  
JUNE 2, 2014

CITY PAYROLL	ET	93,528.56
HARDIN SANITATION	5/20/2014	26,387.40
IDAHO STATE FIRE MARSHAL	5/27/2014	10.00
IRVCO	5/20/2014	5,204.47
A COMPANY	6/2/2014	60.56
ADVANCED CONTROL SYSTEMS	6/2/2014	339.00
AMERICAN STAFFING	6/2/2014	291.84
BRADY INDUSTRIES	6/2/2014	1,272.95
D&B SUPPLY	6/2/2014	97.14
DART'S TRUE VALUE	6/2/2014	2,036.68
DCS TECHNOLOGIES	6/2/2014	246.04
DUSTBUSTERS	6/2/2014	3,359.38
FERGUSON E	6/2/2014	500.00
FISHER SCIENTIFIC	6/2/2014	129.49
GALL'S	6/2/2014	120.48
HANIGAN CHEVROLET	6/2/2014	23.73
HD SUPPLY WATERWORKS	6/2/2014	840.00
HERMAN, ERIC	6/2/2014	300.00
IDAHO POWER	6/2/2014	4,684.09
KEYSTONE PIZZA	6/2/2014	79.47
KINNEY BROS. & KEELE	6/2/2014	116.82
L.N. CURTIS	6/2/2014	1,077.00
ONTARIO BEARING	6/2/2014	330.92
ONTARIO FLOORS TO GO	6/2/2014	1,125.00
ONTARIO PIPE SUPPLY	6/2/2014	1,079.16
ONTARIO TOOL	6/2/2014	22.00
PAYETTE HIGH SCHOOL	6/2/2014	150.00
PAYETTE PRINTING	6/2/2014	88.89
PIPECO	6/2/2014	60.24
RIVERSIDE INC	6/2/2014	640.00
S&H	6/2/2014	191.13
SHERWIN-WILLIAMS	6/2/2014	575.00
SNAP ON TOOLS	6/2/2014	14.40
SOUTHWEST HEALTH DISTRICT	6/2/2014	204.00
STAPLES	6/2/2014	71.45
TOOMBS JANITORIAL	6/2/2014	176.28
VAL'S FLORAL	6/2/2014	35.50
WHITE CLOUD COMMUNICATIONS	6/2/2014	75.00
		\$ 145,544.07

**MINTUES  
PAYETTE PLANNING & ZONING  
Public Hearing & Regular Meeting  
May 22, 2014**

**6:00 PM – Regular Meeting**

ROLL CALL: Kevin Hanigan, Randy Choate, Tom Ladley, Jody Henderson, Jim Franklin, Cassandra McElravy  
Members Absent: Gary Youngberg  
Staff Present: Mary Cordova, P & Z Administrator

I. APPROVAL OF MINUTES  
A. 03-27-2014 Regular Meeting Minutes

A motion was made by Franklin and seconded by Ladley to approve the regular meeting minutes 03-27-2014 as written.

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

II. COMMUNICATIONS

None heard.

III. PUBLIC HEARINGS

An application by Kimberly Rostad for a Conditional Use Permit to allow for office/residential use in a C-1 Commercial Zone at 252 South Main Street, So 60 feet of Lot 4 in Block 6, Masters Townsite. The property is zoned C-1 Commercial Downtown.

Kim Rostad, 933 n 8<sup>th</sup> Street #3, Payette. Stated she is looking to consolidate. She has a bail bond business, and also does drug testing for the courts. It would help her out a lot to have the residence at the business. Office and residential will be on the first floor, and the upstairs will still be used as a rental. The lady has been living there for 17 years. Choate asked if the stairs on the back would be used as the main entrance for the upstairs unit, and Rostad replied yes.

Public Hearing closed at 6:05 p.m.

V. OLD BUSINESS

None heard.

VI. NEW BUSINESS

A. Kimberly Rostad – CUP – 252 S. Main Street

In discussion, Hanigan stated he did not see a reason to deny it. Henderson agreed.

A motion was made by Franklin and seconded by McElravy to grant the CUP as applied, and that it complies with all state local and federal regulations.

In further discussion, Ladley noted that the application says that the upstairs will be used for a residence, and the downstairs would be used as the business. But he had no objection to the proposed use.

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

#### B. John Reid – County CUP for Micro Distillery

John Reid, 2415 Pine Avenue, informed the Commission that his lot is one full acre. He said he was going to build a shop out in front of his property whether or not it is used for the business. He is planning for a 20 x 40 foot shop, and will use it for one year or maybe two years to run a microdistillery. He wants to manufacture 6 cases a day. He will be making moonshine. In regards to cooking the mash, Franklin asked if you can have the mash and make beer at the same time. Mr. Reid answered that the only difference is the cooking process. Ladley asked if there is an odor escaping the property from the cooking process. Mr. Reid stated no. Product coming in, grain or potatoes, and byproduct of the distilling, how will you handle the byproduct. Corn or sugar will be the product on site. He may give the byproduct to the local cows or farmers. He needs to buy rolled corn, so can't buy it locally. Ladley asked if he would be bringing in the product himself, and Reid replied that he would probably haul about 10 forty pound bags a month in his own truck.

It was noted that the property does border city limits. Choate asked if the Commission placed an expiration date on the CUP, for a two year window. Mr. Reid said no on a two year CUP, it would be a deal killer with the federal licensing bureau. Reid figured that two years, he would know whether or not he would be successful, or if it would not be feasible to run the business.

Franklin moved and Henderson seconded a motion to recommend approval of the CUP to Payette County and that the CUP be revisited upon any complaint.

#### VII. PUBLIC COMMENT – None

#### VIII. ADJOURNMENT

A motion was made by Hanigan and seconded by Ladley to adjourn the meeting at 6:25 p.m.

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

Recording Secretary  
MC



# Treasure Valley Transit

RECEIVED

MAY 07 2014

CITY OF PAYETTE

May 2, 2014

The Honorable Mayor Williams  
City of Payette  
700 Center Avenue  
Payette, Idaho 83661

## FY15 Funding Request

Dear Mayor Williams and City Council,

Treasure Valley Transit, Inc. is requesting \$23,700.00 from the City of Payette to meet the match requirements for the Idaho section of Snake River Transit operations and capital expenses. \$15,000 is for the continued funding of the bus route and a one-time funding request of \$8,700 to help us in meet the local match requirement for a replacement bus valued at \$128,000.

I have attached a copy of the Snake River Transit Budget (April 2015 – March 2016) which outlines the Federal amount being requested, the local match needed and the estimated project cost for the Idaho service. Snake River Transit provides a valuable service to the residents of Payette and the regional area including Fruitland and Ontario, Oregon. This has been demonstrated by the annual ridership of 21,464 and community support for the program.

The 3B Local Mobility Management Network Plan for Payette and Washington Counties was revised December 2013. This plan identified needs, priorities and strategies. Maintaining existing services was the number one priority for this network.

Judi Watkins, TVT Board Secretary and I will be available to attend any City Council Meeting or Budget Workshop to update you on transit related issues and to answer any questions you may have.

Sincerely,

Terri Lindenberg  
Executive Director  
Treasure Valley Transit, Inc.  
208-463-9111 Work  
terri@treasurevalleytransit.com

Application Request Summary

Category	Total Application Amount	Estimated Fares	Adjusted Application Amount	Match Percentage	Required Match	In-Kind(Non-Cash)	Match	Federal Request
<b>Capital</b>			\$0	%	\$0		\$0	\$0
<b>Administration</b>	\$57,750.00		\$57,750.00	20%	\$11,550.00		\$11,550.00	\$46,200.00
<b>Operations</b>	\$127,810.00	\$7,500.00	\$120,310.00	42.5%	\$51,132.00	\$4,800.00	\$46,332.00	\$69,178.00
<b>Preventative Maintenance</b>	\$26,000.00		\$26,000.00	8%	\$2,080.00		\$2,080.00	\$23,920.00
<b>Mobility Management</b>			\$0	%	\$0		\$0	\$0
<b>Planning</b>			\$0	%	\$0		\$0	\$0
<b>Totals</b>	\$211,560.00	\$7,500.00	\$204,060.00		\$64,762.00	\$4,800.00	\$64,762.00	\$139,298.00

### **C. Paid Time Off (PTO)**

Paid Time Off (PTO) provides a ~~regular full-time~~ an employee with more flexibility to use his/her time off to meet personal needs, while recognizing an employee's individual responsibility to manage such absences. This plan will become effective August 1, 2011. Each employee will accumulate a specified amount of PTO each pay period worked, and it is up to the employee to allocate how to use it – for vacation, illness, caring for children, school activities, medical/dental appointments, personal business or emergencies. The amount of PTO will depend on the employee's length of completed service.

An employee shall make a request for PTO in writing to his/her supervisor in advance of the requested PTO days. Supervisors will attempt to accommodate employee preferences for scheduled PTO, but first priority shall be the orderly functioning of City departments and ensuring sufficient personnel are on hand for to support the effective operation of the department. Should the use of PTO be needed to accommodate an illness or injury of such type that a written advanced notice not able to be given, an employee shall notify his/her supervisor the evening before or as early as possible on the morning of an illness or injury. If an employee does not have enough accumulated PTO for this absence, the remainder of the time off will be without pay. Requests for unscheduled PTO shall be limited to: personal or family illness, personal injury, death in the family or other unavoidable situations.

Excessive unscheduled absences or apparent misuse of the PTO programs flexibility shall be addressed and may ultimately result in disciplinary action up to and including termination.

Employees are eligible to receive PTO if they are a regular full-time or part-time employee pursuant to this policy. The amount of PTO accrued each year is based on length of service and accrues according to the accrual schedule for full time employees chart below. PTO is accrued as the employee works. Employees will not accrue PTO time while on leave of absence without pay or suspension without pay. New employees are eligible to use PTO after ninety days with less than one year of service will accrue after the designated

## ORDINANCE 1382

**AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING TITLE 15 OF THE PAYETTE MUNICIPAL CODE BY ADDING NEW A CHAPTER 15.06 ENTITLED REBAR REQUIREMENTS; CREATING PENALTIES FOR VIOLATION; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Title 15 of the Payette Municipal Code is hereby amended by adding a new Chapter 15.06, which chapter shall read as follows:

### **Chapter 15.06 REBAR REQUIREMENTS**

#### **15.06.01: REBAR REQUIREMENTS IN FOOTINGS AND FOUNDATIONS:**

#### **15.06.02: ENFORCEMENT; PENALTY:**

#### **15.06.01: REBAR REQUIREMENTS IN FOOTINGS AND FOUNDATIONS:**

On any residential construction where conventional footings or foundations are poured, in addition to any other requirements set by Payette City ordinances or by the adopted version of the International Building Code (IBC) or the International Residential Code (IRC), the following requirements shall apply. There shall be two (2) pieces of number four (#4) rebar embedded horizontally the entire distance of the footings and suspended at least three inches (3") above the bottom of the pour. There shall be two (2) pieces of number four (#4) rebar embedded horizontally the entire distance of the foundation. In the foundation, one of the two (2) pieces of the horizontal rebar shall be placed approximately three inches (3") below the top of the pour and the other piece of horizontal rebar shall be placed approximately three inches (3") above the bottom of the pour. Number four (#4) rebar shall be embedded vertically on six foot (6') centers the entire length of the foundation and shall extend from the bottom of the foundation to the top of the foundation. The vertical rebar in the foundation shall be tied to the horizontal rebar in the foundation. The requirement for placement of horizontal and vertical rebar shall apply in all footings and all foundations which are poured under or along the perimeter of any structure or which are poured to support interior walls or exterior projections.

#### **15.06.02: ENFORCEMENT; PENALTY:**

In addition to any criminal penalties provided for in the enacting ordinance, the building official may issue a stop work order on any project which is not in compliance with this chapter and may refuse to withdraw or lift the stop work order or may refuse to allow work to proceed until all existing work is inspected and conforms to city requirements.

**Section 2.** This Ordinance may be published in summary form as allowed by Idaho Code.

**Section 3.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

**Section 4.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 5.** If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

**Section 6.** Any violation of this Ordinance shall be a misdemeanor punishable by fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code § 50-302, as amended. Each day during which a violation takes place or is allowed to continue, shall constitute a separate violation of this chapter.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF PAYETTE, IDAHO

by \_\_\_\_\_  
Jeffrey T. Williams, Mayor

ATTEST:

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

**CITY OF PAYETTE, IDAHO  
Resolution # 2014-08**

**A RESOLUTION DECLARING  
SURPLUS PROPERTY**

WHEREAS, the City of Payette has several pieces of property 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 property as surplus.

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

The City Administration is hereby authorized to dispose of the surplus property in an expeditious manner.

**PASSED, APPROVED and ADOPTED** this 2<sup>nd</sup> day of June, 2014.

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Jeffrey T. Williams, Mayor

Attest:

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City Clerk/Treasurer



***Western Treasure Valley  
Urban Fire & Rescue  
Mutual Aid Agreement***

AGREEMENT entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between City of Fruitland, Idaho and City of Payette, Idaho, duly organized municipal corporations of the State of Idaho, and City of Ontario, Oregon, a duly organized municipal corporation of the State of Oregon.

WHEREAS, it is the purpose and policy of the parties named herein to provide the best and most efficient fire protection and rescue services for the patrons of their respective jurisdictions; and

WHEREAS, today's public safety realities have highlighted the need for mutual aid agreements that can pool resources and assets in order to effectively respond to local urban incidents beyond a single jurisdiction or a single entity resource capability; and

WHEREAS, departments that are responsible for mostly urban-type incidents with a minimal wild land interface have a particular training and equipment dynamic that needs to be addressed; and

WHEREAS, to ensure the fire service community reaches optimal utilization of finite resources and maximum interoperability, mutual aid agreements set the conditions between and among sending and receiving response entities and/or jurisdictions. These agreements allow for partnerships among jurisdictions and response agencies, which benefit public safety and public service officials; and

WHEREAS, it appears to be the mutual benefit and advantage of the parties to enter into a mutual fire protection agreement, providing for cooperation and mutual use of firefighting/rescue forces and apparatus between the parties; and

WHEREAS, cities of the State of Idaho are authorized to enter into agreements for mutual protection of their respective service areas under Idaho Code section 31-1430A; and

WHEREAS, cities of the State of Oregon are authorized to enter into agreements for mutual protection of their respective service areas under ORS 190.010.

NOW, THEREFORE, in consideration of the mutual benefits herein contained and of the mutual covenants running from one party herein to the other, it is mutually agreed as follows:

- 1. USE OF FIREFIGHTING FORCES AND APPARATUS:** Whenever a fire occurs within the boundaries of a party to this Agreement and the aid of any other

party to this Agreement is requested in combating and controlling such fire, a party, upon receiving a request for aid, shall respond with assistance of its personnel and use of its apparatus to the fullest extent in combating such fire or fires and in the protection of property and life endangered thereby.

It is understood and agreed by and between the parties hereto that all duties, obligations and responsibilities for fire protection between the parties are equal and mutual in all respects, and that the parties to this Agreement will cooperate in providing the most efficient and comprehensive mutual fire protection possible within the boundaries of each party to this Agreement when requested to do so, taking into consideration the geographical areas to be served and the equipment and apparatus available for fire protection.

2. **PRIORITIES:** If the firefighting personnel and equipment of a party being requested to respond are already engaged in fire protection activities at the time a call for assistance is received, that party shall not be under any obligation to the requesting party or to any other person or persons to furnish personnel and equipment therefore, unless the request is renewed after that party's equipment and personnel become available to respond. The responding party may at any time withdraw its personnel and equipment for the purpose of responding to a fire call within its own boundaries, and no liability or obligation shall be incurred by a party for withdrawal for responding to a call within its own boundaries.
3. **RESPONSIBILITIES AND CONTROL:** The party responding to a call for assistance shall be responsible for delivering personnel and equipment to the location specified by the requesting party. On arriving at the location of the fire, the officer in charge of the personnel and equipment of the responding party shall report to the officer in charge of the requesting party. The requesting party shall then assume full charge, control, direction and supervision of all equipment, apparatus and personnel dealing with the fire. In no case shall the responding party be required to assume the responsibility of the operation of, or attempting to control or deal with the fire. The responding party shall operate its own equipment.

If the officer in charge of the personnel or equipment of the responding party believes the personnel or equipment for which he is responsible are being subjected to unreasonable risk of injury or damage or are being required to perform beyond their capacity, limits, knowledge or training, he shall be entitled to withdraw such personnel or equipment after notifying the officer of the requesting party who is in charge at the scene.

4. **COMPENSATION:** The parties hereto shall at all times be responsible to its own employees for the payment of wages and other compensation and carrying of workman's compensation and liability insurance, and each party shall be responsible for its own equipment and shall bear the risk of loss therefore irrespective of whether or not its personnel, equipment, and apparatus are being

used in fighting a fire within the area of primary responsibility of the employing district or not. No party hereto shall be liable to any other party named herein for payment for use of its personnel and equipment under the terms of this Agreement.

5. **STANDARDIZATION OF EQUIPMENT:** The parties hereto agree to immediately take such steps as are necessary to standardize, as nearly as practical, all of the equipment and apparatus used by said parties in order that said equipment and apparatus may be more fully utilized by virtue of standard size couplings, hose, pumps and other apparatus in combating such fire or fires and in the protection of property and life within the confines of the parties named herein.
6. **COOPERATION AMONG APPOINTED OFFICIALS:** The Fire Chiefs of each party to the Agreement shall meet at least once annually during the duration of this Agreement for the purpose of reviewing the reciprocal activity of the parties. Should the participants at the meeting determine that adjustments to this Agreement are required to ensure continuing cooperation among the parties, they shall make such recommendations to the respective party they represent. Said adjustments may then be satisfied by the respective governing bodies of the parties hereto, and shall be effective when ratified by all parties. An addendum shall be executed by the parties and attached to this Agreement to reflect any such modifications.
7. **TERM AND AUTOMATIC RENEWAL:** The initial term of this Agreement shall be for a period from the date hereof from the execution of this Agreement until January 1, 2016. Unless a party notifies the other parties of its intention not to renew and continue this Agreement, such term shall be automatically extended for a further period of one (1) year and shall only be terminated as herein provided. In the event of such continuation on a year to year basis, all of the terms and provisions hereof shall continue in full force and effect during said extensions.
8. **TERMINATION:** It is understood and agreed that either party hereto may terminate its participation and concurrent rights and duties under this reciprocal agreement by delivering to the other party hereto a notice of such termination, said notice to be in writing and to be given at least sixty (60) days prior to the termination date desired by the terminating party.
9. **LIABILITY:** The original employing party shall have and assume complete liability for all of the acts of its personnel and the operation of its equipment provided under this Agreement.
10. **MUTUAL HOLD HARMLESS:** The parties agree to indemnify and hold the other parties harmless from any and all liability, loss, damage or claims, of any description, which results from the negligence of the party and its employees,

officer, and/or agents that the party may suffer arising out of or in connection with this Agreement.

**11. INSURANCE:** Each party to this Agreement agrees to carry and maintain a comprehensive general liability policy in the minimum amount of \$500,000.00 to protect the party from and against any and all claims, losses, actions, and judgments for damages or injury to persons or property arising out of or in connection with its acts or performance under this Agreement.

**12. LIMITATION ON LIABILITY OF PARTIES:** The rights and benefits arising under this Agreement shall run to the parties to this Agreement and not to any person, firm, association, corporation or governmental unit not a party hereto. This Agreement is not to be construed to create a claim or cause of action in favor of any persons or entity entitled to protection by one city against any other city which is a party to this Agreement for failure to respond or for delay in responding to a request for assistance or for inefficiency or ineffectiveness in providing firefighting services.

**13. PRIOR AGREEMENTS:** All prior agreements for reciprocal fire protection, both oral and written, which may have been entered into previously between the parties to this Agreement, are to be terminated from this point forward, and the terms of this Agreement are controlling as to all the reciprocal rights and duties of the named parties in providing reciprocal fire protection between themselves, but this Agreement is not intended to terminate any Automatic Aid Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals as of the day and year first above written.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CITY OF PAYETTE:

CITY OF ONTARIO:

\_\_\_\_\_  
By  
Its \_\_\_\_\_

\_\_\_\_\_  
By  
Its \_\_\_\_\_

ATTEST:

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Recorder

CITY OF FRUITLAND:

\_\_\_\_\_  
By  
Its \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Clerk

Form and content approved by \_\_\_\_\_, as attorney for City of  
Payette.

Form and content approved by \_\_\_\_\_, as attorney for City of  
Ontario.

Form and content approved by \_\_\_\_\_, as attorney for City of  
Fruitland.

## **Amending Chapter VI. Compensation**

### **E. Time sheets**

All employees are responsible for maintaining and certifying the accuracy of their time sheets, and supervisors are responsible for reviewing the completed time sheets carefully. Falsification of time sheets and/or altering work hour records is a serious offense subject to strict disciplinary action up to and including termination.

The City of Payette tracks employee hours worked in 15 minute increments and allows rounding time worked to the nearest quarter hour. Time from 1 – 7 minutes may be rounded down, thus not counted as time worked, but time from 8 – 14 minutes may be rounded up and counted as a quarter hour of work time.

Removing and from Chapter VII. Miscellaneous Policies and placing in Chapter IV. Compensation.

### **E. H. Work Days**

Work schedules shall be fashioned according to individual department and citizen needs. Employees are expected to work a regular scheduled shift, with no deviations, unless such are authorized by their supervisor. Changes to established schedules shall be a collaborative effort by both the department head and their Administrator. Conflicts shall be resolved by the City Administrator and/or the HR Administrator. Meal periods shall be worked into the day unless emergency circumstances prevent such from happening.