

**MINUTES
PAYETTE CITY COUNCIL
Work Session & Regular Meeting
September 6, 2011**

6:30 PM – Work Session

ROLL CALL

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

Members Absent: None

Staff Present: Mary Cordova, City Coordinator; Bert Osborn, City Attorney; Dave Platt, Police Captain; Doug Argo, Holladay Engineering; Randy Schwartz, WWTP Superintendent; Becky Lynch, Administrative Services Clerk; Jennifer Kelley, HR

- A. Gas & Oil Ordinance:** Clerk Cordova stated that a Gas & Oil ordinance was sent to the P&Z committee and Public Works committee, both of which requested to place a moratorium on any such activities in City limits and our impact area until such time we have developed a set of complete ordinances and didn't feel we had enough time to put more input into it. Attorney Bert Osborn stated that it is necessary to have an emergency moratorium in place. Attorney Bert Osborn went on to state that the emergency is that in the event of finding oil and gas fields along the Payette river, the Payette river runs adjacent to the City of Payette, therefore it is an emergency to place a moratorium to protect the aquifer.

Mayor Williams opened the Ordinance up for discussion.

Travis Fisher, 3250 SW 2nd Avenue; New Plymouth, Idaho, came before the Mayor and City Council to express his concern of the oil and gas drilling. Mr. Fisher provided several copies of a 45 minute video which is developed by a scientist with a PHD documenting the oil & gas industry. This video is not pro-oil and gas which makes him feel good that someone is doing something to inform the public about controlling the problem before Payette's water tables are ruined. Mr. Fisher went on to say that he has the City of New Plymouth behind him in this issue, and he is in the progress of working with the City of Fruitland and Payette County to be behind him in this as well.

Mona Curtis; 107 East Idaho Street; New Plymouth, Idaho, expressed a couple of questions and concerns to the Mayor and City Council. Who are you requesting the moratorium from, the Payette County Planning and Zoning or Bridge Resources? Mayor Williams stated that this isn't directed towards anyone, the moratorium is just within our city and impact area, and therefore they can't drill within our impact area until an ordinance is in place.

Liz Amason, 490 North 20th Street; Payette, Idaho, Prepared a packet which she doesn't have a copy for everyone to keep. They are video accountings for hydro-fracting which she wanted to share with the City Council. Everything included in the folder provided is from March of this year on.

- B. Lot Line Adjustment:** Clerk Cordova stated that this was referred to the Planning and Zoning Commission and they want to work on it and make some adjustments first before presenting this to the City Council. The Planning and Zoning Commission is interested in looking at it and in the progress of working on it.

C. Water Base Rates & Usage Fees: Jennifer Kelley opened this general discussion that there is an increase in the rates by 5.1% for water and sewer services according to the CPI index. Clerk Cordova stated that they will have this ran by the Public Works Committee first and brought to the Council roughly around the 1st of the month. Jennifer Kelley stated the last water rate study done in 2003. Councilor Mussell would like a chance for the public to make a comment on the rates before the Council makes a decision. The general consensus is to work towards the CPI meeting in October.

The work session closed at 6:50 p.m.

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, Katherine Dodson, Georgia Hanigan, Les Cochran, Mark Heleker, Ivan Mussell, & Lee Nelson
Members Absent: None
Staff Present: Mary Cordova, City Coordinator; Bert Osborn, City Attorney; Dave Platt, Police Captain; Randy Schwartz, WWTP Superintendent; Jennifer Kelley, HR; Becky Lynch, Administrative Services Clerk

PLEDGE

Mayor Williams led the pledge.

A motion was made by Mussell and seconded by Nelson to amend the agenda to add the approval of minutes for August 29, 2011 Work Session and under new business, the Most Beautiful Yard Awards.

CITIZENS COMMENTS

None Heard.

APPROVAL OF MINUTES

Two corrections were noted by Councilor Mussell and Councilor Heleker.

A motion was made by Heleker and seconded by Dodson to approve the work session, special meeting, and regular meeting minutes of 08/08/11, 08/15/11, 08/22/11, and 08/29/11 as written.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Hanigan and seconded by Mussell to approve the City Bills & Payroll in the amount of \$441,652.80.

At the roll call:

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

The motion CARRIED.

SPECIAL ORDERS

Mayor Williams declared a proclamation for the tenth anniversary of 9/11.

A motion was made by Heleker and seconded by Cochran to adopt the 9/11 proclamation.

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

COMMUNICATIONS

- A. 2011 Academy for City Officials
- B. Notice of Candidate Filing Deadline
- C. Idaho Army National Guard

PLANNING & ZONING

OLD BUSINESS

- A. ORDINANCE #1348—AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 5.38 IN TITLE 5 TO LICENSE AND REGULATE USED CAR SALES AND USED CAR LOTS FOR THE PURPOSE OF SALES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY- TABLED

Mayor Williams stated that the Council had postponed any decision on this ordinance until hearing from one of the individuals that this affects.

Bill White spoke to the City Council stating that he has owned the lot for 11 years and charges people 20 dollars to place their vehicles on the lot. He would like to ask the Council to grandfather the lot in. The general consensus from the Council was to keep the lot as a non-conforming use until the lot is sold or used for otherwise. Once the status of the lot changes, they will have to comply with this new Ordinance #1348.

A motion was made by Heleker and seconded by Mussell to take Ordinance #1348 off the table.

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

A motion was made by Hanigan and seconded by Heleker to approve Ordinance #1348.

After a unanimous voice vote by the council, the motion CARRIED

A motion was made by Heleker and seconded by Dodson that Ordinance #1348 do pass.

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

NEW BUSINESS

Mayor Williams presented Jim & Jean Buckmaster with a plaque. The Buckmasters won 1st place in the City of Payette's Most Beautiful Yard Contest for the month of September. Royalynn Case was also presented with the honorable mention plaque.

A. Fee Waiver request Payette County Recreation District

Dan Reed, on behalf of the Payette County Recreation District, came before the Mayor and City Council to ask to waive the fees for the conditional use permit application and building permits. The Payette County Recreation District is building two dugouts with attached storage sheds. They will have their concessions stand and bathrooms built in the middle of the complex in the future. The Recreation District is working hard with City, County and Payette School district to build these dugouts and storage sheds. The dugouts and the storage sheds are 2/3 of the way done out at the Middle School, but they needed to go through the proper steps before they could complete construction. Clerk Cordova stated that the estimated fees to waive for the building permit of two dugouts is \$274.00 and the fee to waive for their conditional use application is \$50.00. Councilor Heleker stated that they have a supervisory committee for those fields, he is a representative of that committee and they had a meeting last week to see how things were going on that project. He noticed that there were cars from Boise, Kuna, Meridian and so forth, were back playing on it which is great to bring people into the community and it generates revenue.

A motion was made by Heleker and seconded by Mussell to waive the fees for the building permit and for the conditional use permit for PCRD.

At the roll call:

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

NAYS:

The motion CARRIED.

B. Terra Howie—Oregon National Guard

Terra Howie, who works for the Department of Defense, presented the Council with helpful information that she is a family assistant specialist for soldiers and their families. Although she works for Oregon National guard she also provides support and information for Idaho's soldiers and families. Mayor Williams asked if she has been contacted by Idaho National Guard for a homecoming for the soldiers and she stated that yes she has heard about it, but she has to wait for command to proceed with events like that. She stated that it is hard for soldiers to adjust to a lot of attention that it is a culture shock, and that usually three months is the right time for them to have adjusted. Mayor Williams stated that we have received money from the Idaho National Guard and we would like to do something jointly with Ontario, Oregon whenever the soldiers are ready. Mayor Williams went on to mention to Terra Howie that the Governor may want to come to it as well, so if possible, be sure to keep in contact with the City Hall office to set up dates for the homecoming so we can inform the Governor of such event.

C. Rob Christenson- WICAP- Commemorate 10 year anniversary of 9/11

Rob Christenson spoke on behalf of WICAP saying that he wanted something done for 9/11 and is happy the City did the Proclamation for this occasion. WICAP will be holding this gathering at their facility, 315 South Main Street, on September 11, 2011 at 9:00 AM. This gathering will last for 30-40 minutes long and the proclamation will be read again at this time.

- D. ORDINANCE #1351 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, REPEALING SECTION 10.45.010 AND CREATING A NEW SECTION 10.45.010 OF THE PAYETTE CITY CODE PROHIBITING THE USE OF ELECTRONIC WIRELESS COMMUNICATIONS DEVICES FOR TEXTING AND GAMING WHILE OPERATING A MOTOR VEHICLE; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A PENALTY; ESTABLISHING A REPEALER. 1st Reading

A motion was made by Mussell and seconded by Heleker to introduce Ordinance #1351 by title only

The motion CARRIED.

A motion was made by Heleker and seconded by Mussell to suspend the rules and pass Ordinance #1351 on its first reading

The motion CARRIED

A motion was made by Heleker and seconded by Dodson that Ordinance #1351 do pass

The motion CARRIED

- E. Donation request from Westside Elementary
Councilor Heleker stated that this is an annual potato feed and in the past they donated a one month pool pass in support of fundraisers.

A motion was made by Mussell and seconded by Heleker to donate a pool pass to Westside Elementary School for the potato feed raffle.

The motion CARRIED

- F. Recommendation to Payette County Planning & Zoning- Hardin Sanitation Rezone, Conceptual Plan, & Conditional Use Permit
Mayor Williams presented the Council with a Power-Point presentation regarding the relocation of Hardin Sanitation. This new location is not in City limits but it is in the City Impact Area. They had a lengthy discussion of the proposed location. Clerk Cordova stated that the City of Payette Planning & Zoning Commission made recommendations to go forward with the plans, and they further said it is a perfect area for Hardin Sanitation.

A motion was made by Heleker and seconded by Dodson to send a favorable recommendation to the

County Planning & Zoning of Hardin's relocation and to express culvert concerns.

The motion CARRIED

G. PURA Loan Request

Barbara Choate, commissioner from the Urban Renewal Agency, came before the Mayor and City Council to request help financially to create another district. Barbara Choate is asking the City to have them possibly enter into the City Loan Repayment Agreement. Councilor Heleker expressed his concern that with the upcoming budget, this might be difficult to do. Mayor Williams stated that the Urban Renewal Agency has a good track record with us. Barbara Choate went on to state that they just need this start-up money to get it done, being roughly \$20,000-\$30,000. Mayor Williams is looking for direction from the Council from here, as of now, no one has submitted a completed application. Councilor Nelson stated that it would be a slow pay-back, but eventually they should be able to pay it off. Clerk Cordova stated that she would like this fund tapped into this year. Mayor Williams asks to bring this back later after receiving the application.

H. ORDINANCE #1353 - AN ORDINANCE DECLARING A 180 DAY MORATORIUM ON THE ACCEPTANCE OR PROCESSING OF APPLICATIONS FOR PERMITS TO PERMIT MINERAL EXTRACTION THROUGH OIL AND GAS EXPLORATION OR OPERATIONS WITHIN THE CORPORATE LIMITS OF THE CITY OF PAYETTE; DIRECTING THE CITY STAFF TO INITIATE A COMPREHENSIVE REVIEW OF THE CITY'S ORDINANCE GOVERNING PROCEDURES FOR MINERAL EXTRACTION AND OIL AND GAS EXPLORATION AND EXTRACTION AND TO PROPOSE REVISIONS THERETO; PROVIDING A PROCEDURE FOR A VARIANCE FROM THIS MORATORIUM; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE. 1ST Reading

A motion was made by Heleker and seconded by Mussell to introduce Ordinance #1353 by title only

The motion CARRIED

A motion was made by Heleker and seconded by Nelson to pass Ordinance #1353 to 2nd reading.

The motion CARRIED

I. Pay Request #12 for \$105,744.47- Payette Fire Station

A motion was made by Hanigan and seconded by Dodson to approve pay request #12 in the amount of \$105,744.47 for the Payette Fire Station.

At the roll call:

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

NAYS:

The motion CARRIED

J. Pay Request #6 for \$71,383.04- Payette Library

A motion was made by Mussell and seconded by Heleker to approve pay request #6 in the amount of \$71,383.04 for the Payette Library

At the roll call:

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

NAYS:

The motion CARRIED

K. ORDINANCE #1352 - AN ORDINANCE ENTITLED ANNUAL APPROPRIATIONS FOR THE TWELVE MONTH PERIOD FROM THE FIRST DAY OF OCTOBER 2011 TO AND INCLUSIVE OF THE THIRTIETH DAY OF SEPTEMBER 2012; APPROPRIATING NINE MILLION, FORTY-TWO THOUSAND, THREE HUNDRED EIGHTY-THREE DOLLARS (\$9,042,383) TO PAY THE EXPENSES OF THE CITY OF PAYETTE, PAYETTE COUNTY, IDAHO, AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE. 1st Reading

A motion was made by Mussell and seconded by Heleker to introduce Ordinance #1352 by title only.

The motion CARRIED

A motion was made by Hanigan and seconded by Heleker to suspend the rules and pass Ordinance #1352 on its 1st reading for \$9,042,383.00

At the roll call:

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

NAYS:

The motion CARRIED

A motion was made by Hanigan and seconded by Dodson that Ordinance #1352 do pass.

At the roll call:

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

NAYS:

The motion CARRIED

DEPARTMENTAL REPORTS

A. Police Department – August 2011

Captain Platt informed the Mayor and City Council of the vandalism which occurred at the new Fire Station which is in progress of being built. Over \$30,000 is the estimated damages to the station. The building was not secure; there were no doorknobs or door handles. The building is

still under the construction company so it would fall under their insurance. The police have a lead on a person but they do not suspect that it will go far. The doors did not have handles because they were waiting on the telephone company. The doors are secure now at this time. Captain Platt stated there were a ton of things they could have stolen, but it was only damages.

MAYOR'S COMMENTS

None Heard.

CITIZEN'S COMMENTS

Mona Curtis, 107 East Idaho Street; New Plymouth, Idaho, expressed her concerns of the gas and oil hydro-fracturing happening in New Plymouth. Her main concern was the location of the people doing the hydro-fracturing being directly in the middle of farms and dairies. She had found out that the reason they want it there is so they won't have to pipe it. Mona Curtis would like for the council to make a recommendation to the Payette County Planning and Zoning Commission for relocation of the hydro-fracturing facility. Mayor Williams stated that he had been with the Payette County Planning and Zoning for 20 years and they would always be sure to address the neighbors directly affected by the hydro-fracturing and that it is up to the County Commissioners what happens further.

Councilor Heleker stated that they are trying to put together a Student Advisory Committee. They are doing a survey in the English classes which will teach students what committees do and what advisory committees are. Councilor Heleker stated that he met with Ann Curtis in reference to the mural project on the Keystone building and that they will bring the Council some ideas and put together a PowerPoint presentation.

Mayor Williams stated that the Idaho Hall of Fame moved from the Chamber of Commerce building to the Museum. They have a traveling display which will promote what the Idaho Hall of Fame is about. This will be presented on a kiosk in the basement of the State Office. Mayor Williams is hoping that this will market the Hall of Fame more.

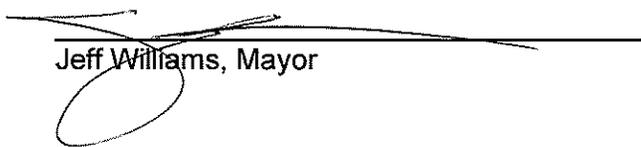
Councilor Cochran stated that on August 17th, 2011 he met with WICAP and they talked about encouraging lower income families to start trying to save to become more self-sufficient. Councilor Cochran stated that it was a good meeting and he had left a packet of information with Clerk Cordova.

ADJOURNMENT

A motion was made by Heleker and seconded by Mussell to adjourn the regular meeting at 9:53 PM.

The motion CARRIED.

Signed this 19th day of September, 2011.


Jeff Williams, Mayor

ATTEST:

Mary Cordova, City Clerk

September 6, 2011

	Accepted	Check	Amount
City of Payette	8/26/2011		103,435.98
A & W CRUISE NIGHT	8/16/2011		500.00
Hardin Sanitation	8/22/2011		26,417.40
Kepha Construction	8/30/2011		72,768.00
Payette County Chamber	8/17/2011		100.00
10-8 VIDEO	09/01/11	5325	414.00
A & W CRUISE NIGHT	09/01/11	5326	35.00
ACTION COURIERS, INC.	09/01/11	5327	24.99
ADVANCED CONTROL SYSTEMS	09/01/11	5328	269.00
B.C. SALES	09/01/11	5329	38.85
BRADY INDUSTRIES, INC.	09/01/11	5330	458.96
BROWNELL'S, INC.	09/01/11	5331	55.94
CHEAPER THAN DIRT	09/01/11	5332	113.11
CINTAS FIRST AID	09/01/11	5333	244.15
CITY CLEANERS	09/01/11	5334	224.25
CITY SERVICE VALCON	09/01/11	5335	9,273.41
CONSOLIDATED SUPPLY	09/01/11	5336	1,547.24
D&B SUPPLY	09/01/11	5337	487.32
DART'S TRUE VALUE	09/01/11	5338	780.96
DCS TECHNOLOGIES	09/01/11	5339	150.00
DETAILS DONE RIGHT	09/01/11	5340	250.00
E C POWER SYSTEMS OF IDAHO	09/01/11	5341	1,019.20
ERA	09/01/11	5342	207.18
ERNIE'S ELECTRIC, INC.	09/01/11	5343	38.40
FERGUSON ENTERPRISES #3204	09/01/11	5344	1,220.87
FISHER SCIENTIFIC	09/01/11	5345	423.33
GALL'S INC.	09/01/11	5346	1,621.92
GENTRY FORD SALES, INC.	09/01/11	5347	42.40
HANIGAN CHEVROLET	09/01/11	5348	18.72
HARDIN SANITATION, INC.	09/01/11	5349	585.21
HUGHES FIRE EQUIPMENT	09/01/11	5350	637.99
IDAHO CONCRETE COMPANY	09/01/11	5351	1,146.00
IDAHO POWER, PROCESSING CENTER	09/01/11	5352	20,589.71
IDAHO TRANSPORTATION DEPT.	09/01/11	5353	5.00
INDEPENDENT ENTERPRISE	09/01/11	5354	436.55
INTERMOUNTAIN COMMUNITY BANK	09/02/11	5355	2,081.54
INTERSTATE ELECTRIC	09/01/11	5356	67.57
ISPEED	09/02/11	5357	160.00
J.P. COOKE CO.	09/01/11	5358	126.71

JACKIE'S LIVESTOCK & PET EMPORIUM	5065	09/01/11	5359	48.41
JERRY'S BUYWAY	5066	09/01/11	5360	69.19
JG UNIFORMS	5063	09/01/11	5361	780.05
KAMAN INDUSTRIAL TECHNOLOGIES	5067	09/01/11	5362	2.58
KELLY-MOORE PAINT COMPANY	5068	09/01/11	5363	509.90
KEPHA CONSTRUCTION	5098	09/02/11	5364	105,744.47
KEPHA CONSTRUCTION	5099	09/02/11	5393	71,383.04
L.N. CURTIS AND SONS	5069	09/01/11	5365	28.43
LEONARD PETROLEUM	5070	09/01/11	5366	229.10
MARC CORPORATION	5071	09/01/11	5367	1,242.90
MATERIALS TESTING	5072	09/01/11	5368	152.00
MCKINSTRY ESSENTION, INC	5073	09/01/11	5369	2,757.81
MPC SPORTS	5074	09/01/11	5370	95.20
NORM'S AUTO ELECTRIC	5075	09/01/11	5371	176.25
NORTH VERDE AUTO SALVAGE	5076	09/01/11	5372	300.00
ONTARIO BEARING & HYDRAULIC	5077	09/01/11	5373	135.18
ONTARIO FIRE & RESCUE	5078	09/01/11	5374	50.00
ONTARIO FLOORS TO GO	5079	09/01/11	5375	2,891.00
ONTARIO STARTER REPAIR	5080	09/01/11	5376	54.00
OXARC	5081	09/01/11	5377	1,537.15
PAYETTE AUTO SUPPLY	5095	09/02/11	5378	40.86
PAYETTE COUNTY CHAMBER OF COMMERCE	5082	09/01/11	5379	30.00
PAYETTE HIGH SCHOOL	5083	09/01/11	5380	36.00
PAYETTE PRINTING	5084	09/01/11	5381	458.33
PAYETTE TIRE CENTER	5085	09/02/11	5382	426.85
RHINEHART, LARRY & KATHY	5097	09/02/11	5383	1,250.00
RUSH TRUCK	5086	09/02/11	5384	67.63
S&H TERMINAL, INC.	5087	09/02/11	5385	422.97
SNAKE RIVER VETERINARY CENTER	5088	09/02/11	5386	12.25
STAPLES CREDIT PLAN	5089	09/02/11	5387	201.85
TELEDYNE ISCO, INC.	5090	09/02/11	5388	101.05
UNITED PARCEL SERVICE	5092	09/02/11	5389	24.79
UNITED PIPE & SUPPLY	5091	09/02/11	5390	1,920.22
WHITE CLOUD COMMUNICATIONS	5093	09/02/11	5391	375.00
ZEE SERVICE CO.	5094	09/02/11	5392	81.48

441,652.80