

City of Weiser
CITY COUNCIL MEETING
55 West Idaho Street
Weiser, ID 83672
Monday
APRIL 14, 2014
7:00 pm

REGULAR MEETING
MINUTES

Call to Order [6:59:56 PM](#)

ROLL CALL

PRESENT: Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young.

ABSENT: Perry Plischke.

STAFF: Diana L Thomas, David Tate, Nate Marvin, Chuck Kroll, Deb Dawson, Greg Moon, Carl Smith, Don Loos, Bill Taylor, James Edwards, Pat Malay, Sherri Breaux and Karen Penner.

Guests: Dennis Cooper, Linda Roundtree, Hal Maycroft, John Evans, Blake Coats, Greg Eichelberger and Sandy Cooper

[7:00:16 PM](#) - Mayor Thomas informed the Council that it was her understanding that Council Member Plischke had called and would not be here tonight.

Invocation was given by Reverend Blake Coats [7:00:22 PM](#)

Pledge of Allegiance, was led by Police Lt Carl Smith [7:01:42 PM](#)

Additional Items to the agenda – None. [7:02:03 PM](#)

Commission Reports - [7:02:11 PM](#)

Council Member Hafer gave an update on SREDA. Council Member Hafer had been to a tri-county conference in Ontario and reported that there are some good things happening and encouraged the other council members to read their SREDA reports concerning new businesses looking at coming to our area.

[7:03:03 PM](#) Council Member Hafer reported on the ICOG meeting she had attended. ICOG will be looking at some other options to try and affect the funding that is being distributed out to the Senior Centers. There is still a feeling that there is not a balance that is equitable throughout the State and that our district is not quite receiving the funds that they should be, so IGOG is actively pursuing this with the Governor and Lt Governor this week.

Committee Reports - None. [7:03:49 PM](#)

Department Reports were presented by Clerk Tate. [7:03:57 PM](#)

[7:06:40 PM](#) Mayor Thomas encouraged Council Members, particularly Council Member Young to make an appointment with the various departments sit down and visit with them or take a tour, particularly of the committees they are currently serving on, giving them the opportunity to see how those departments run.

MINUTES [7:07:14 PM](#)

Motioned by Dan Randleman and seconded by Virgil Leedy to approve the minutes of one (1) Public Hearing on March 10, 2014 and (1) Regular City Council Meeting on March 10, 2014 as presented and place them on file.

[7:07:40 PM](#)

AYES: Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young
NAYES: None
ABSTAINED: None
MOTION CARRIED.

BILLS [7:07:46 PM](#)

Motioned by Layna Hafer and seconded by Cliff Barberis to approve the bills as reviewed by the Finance Committee and present them to the Treasurer to have warrants drawn for payment.

[7:08:15 PM](#)

ROLL CALL VOTE:
AYES: Virgil Leedy, Layna Hafer, Cliff Barberis, Sherry Young and Dan Randleman
NAYES: None
ABSTAINED: None
MOTION CARRIED.

MINUTES OF PLANNING AND ZONING [7:08:16 PM](#)

Motioned by Layna Hafer and seconded by Sherry Young to approve the minutes of one (1) Regular P & Z Meeting on February 18, 2014 as presented and place it on file.

[7:08:43 PM](#)

AYES: Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young
NAYES: None
ABSTAINED: None
MOTION CARRIED.

UNFINISHED BUSINESS:

NEW BUSINESS:

RESOLUTION #627 FAIR HOUSING PROCLAMATION [7:08:52 PM](#)

Mayor Diana L Thomas declared April 2014 as Fair Housing Month.

[7:09:38 PM](#)

Motioned by Cliff Barberis and seconded by Layna Hafer to approve Resolution #627 Fair Housing Proclamation.

[7:09:50 PM](#)

ROLL CALL VOTE:
AYES: Cliff Barberis, Virgil Leedy, Sherry Young, Layna Hafer and Dan Randleman
NAYES: None
ABSTAINED: None
MOTION CARRIED.

CITY REQUIREMENT FOR BACK BASE RATES TO BE PAID IN FULL FOR WATER & SEWER PRIOR TO SERVICE [7:10:03 PM](#)

Mr Hal Maycroft, 1304 W 3rd Street, Weiser ID 83672 addressed the Council requesting to be reimbursed for back base rates he paid to AmeriTitle on January 14, 2014 when purchasing his home.

Mr Maycroft explained to the Council that he assumed the property on January 28th, 2014 and the base rate bill was for May 2, 2013 to January 2014. Mr Maycroft does not understand how he could possibly owe back rates on a property he did not own before 1-28-14.

[7:15:08 PM](#) Council Member Randleman asked Mr Maycroft if the house was a foreclosure he had bought? Mr Maycroft said that he purchased the house on a short sale from Wells Fargo Bank. Council Member Randleman asked if the lending institution on a short sale had to disclose back fees? Mr Maycroft stated that all he had to pay was the back water bill.

[7:16:06 PM](#) Council Member Hafer asked if someone could explain why we from the City side, would impose a bill that was a previous owner's bill on a new owner. Mayor Thomas directed Council Member Hafer to her packet where the Resolution that the Council had previously passed basically states that those back base rates have to be paid. The resolution does not say who has to pay them, but that it must be paid before the water is turned on. The bank could have paid that along with the back taxes or the back irrigation fees if that had been negotiated at the time of the sale. Discussion continued.

[7:19:55 PM](#) Council Member Randleman explained that the reason this is set up is because when The City puts a bond election together to fund repairs, maintenance and upkeep on the water treatment Plant or Sewer Treatment Plant the revenue from the base rate pays that bond back and pays some of the fixed cost of running the facilities. Council Member Randleman then explained that the theory behind the resolution is to keep costs evenly spread out among all city residents. Council Member Randleman explained that the City is not asking Mr Maycroft to pay the other guys bill, we are asking him to buy back into the system. Mr Maycroft stated that this is stealing and asked where the resolution is that says he has to do this. Discussion continued. Mr Maycroft continued to strongly disagree stating it is extortion.

[7:24:42 PM](#) Mayor Thomas asked Mr Maycroft if he had considered negotiating this with the lending institution? Mr Maycroft affirmed and added that the bank would not pay any back water bill. Discussion continued.

[7:29:37 PM](#) Council Member Young asked Mr Maycroft when he closed on this property? Mr Maycroft stated that it was on January 28, 2014. Council Member Young stated that what she is seeing is that the title company had called to see what outstanding debts were owed on this place, then at the time of the closing they presented this bill for \$432.00. This is why the bill was made to AmeriTitle because they were checking to see what was owed on the property as it is up to them to find out between the buyer and seller who is going to pay what debt and from the initials on the bill you agreed to pay. Mr Maycroft stated they agreed to pay if they wanted water turned on. Mr Maycroft stated that the word extortion means that you are forced to pay something and that he was forced to pay the \$432.00. Discussion continued.

[7:31:41 PM](#) Council Member Randleman asked Mr Maycroft if he had pursued with the people selling the house or AmeriTitle about this fee? Mr Maycroft stated it was not his bill and he had no authority to contact anybody. Council Member Randleman summed it up by stating that the reason having to pay back base rates is in place, whether it is extortion or whether it is right or wrong, this is how our rates are set up, it is the way our structure is set up, and they are set up that way so that everybody shares evenly in the cost of water and sewer to the residents. Discussion continued. Mr Maycroft stated that this is totally un-American.

[7:35:46 PM](#) Linda Roundtree, 1750 E 11th, Weiser ID 83672. Mrs Roundtree who had previously worked in real estate addressed the Council and specifically Mr Maycroft. Mrs Roundtree explained to Mr Maycroft that he needed to go back to the title company and explain this

situation to them. She then informed Mr Maycroft that there is an arbitration process where he could go back to the mortgage company and that this assessment should go back to whoever was holding the paper at the time these fees were assessed. Mrs Roundtree then explained to Mr Maycroft what he needed to do to get the process started. The Mayor and Council thanked Mrs Roundtree for her insight.

7:38:14 PM Mr Maycroft stated he did not hear what was said. Council Member Hafer explained to Mr Maycroft that he needs to go back to the title company and begin the arbitration process because at this point there is nothing that the Council can do.

REQUEST CITY PROVIDE WATER FOR THE DOWNTOWN FLOWER BASKETS 7:38:42 PM

Mrs Linda Roundtree, Weiser V.I.B.E. representative addressed the Council with a request to use City Water again this year to water the downtown flower baskets. Mrs Roundtree informed the Council that this is the 4th year for the flower baskets which are scheduled to be hung on May 22, 2014. Mrs Roundtree stated that for V.I.B.E. the flower baskets are a community service project and not a fund raiser, so their goal is to break even on the project.

7:42:18 PM - Council Member Hafer stated that this is a great project and she supports it.

7:42:52 PM

Motioned by Dan Randleman and seconded by Cliff Barberis to authorize V.I.B.E. to use city water to support their downtown flower basket project.

7:43:05 PM

AYES: Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young

NAYES: None

ABSTAINED: None

MOTION CARRIED.

7:43:10 PM - Mayor Thomas expressed her appreciation to Mrs Roundtree and informed her that she receives many compliments about the flower baskets, especially during Fiddle Week. Mrs Roundtree stated that some sponsorship letters have been sent out, but most of them will be sent out tomorrow, April 15th. Mrs Roundtree informed all present that anyone can sponsor a basket for \$155.00, just get a hold Patric Nauman or the Chamber of Commerce and they will contact her. Mrs Roundtree further explained that a lot of the baskets are sponsored in memory of someone. Each basket comes with a name placard.

RESOLUTION #628 ADOPT UPDATED PERSONNEL POLICY AS PER ICRMP 7:44:45 PM

City Clerk David Tate explained that a couple of years ago the City had a recommendation from Lynette McHenry our ICRMP attorney at the time to make a change in our right to be heard, clear your name process, we also had Dave Sasser from ICRMP. Bruce Castleton the gentleman that was here and briefed the Council in the past reviewed the policy and Jim McNull also gave us recommendations on the wording.

7:45:57 PM

Motioned by Dan Randleman and seconded by Virgil Leedy to approve Resolution #628 regarding changes made to the Personnel Policy Manual.

7:46:09 PM

ROLL CALL VOTE:

AYES: Layna Hafer, Sherry Young, Cliff Barberis, Dan Randleman and Virgil Leedy

NAYES: None

ABSTAINED: None
MOTION CARRIED.

WEISER RIVER TRAIL LEASE AGREEMENT REQUEST [7:46:23 PM](#)

City Clerk David Tate explained to the Council that when the trail went in and they black topped it there was an agreement made between the City of Weiser and Friends of the Weiser River Trail for an easement to gain access to the back of Shelby's property at 743 E Commercial. At the first of the year in 2012 the City of Weiser received a letter from Shirley Atteberry basically saying that she was not going to renew that agreement. So, for the past couple of years the City of Weiser has not had that agreement. The City received a letter dated April 10, 2014 from the Weiser River Trail asking us if we were interested in renewing that agreement.

[7:47:32 PM](#) Council Member Barberis asked if we use the area in question? City Superintendent Nate Marvin stated that the City has not had any hardship by not having it, there hasn't been any maintenance issues by not having it, the only thing it benefits is the 2 or 3 businesses that are down it that area. It has been discussed in the past that perhaps those businesses should negotiate with the Weiser River Trail for that easement and not the City.

[7:48:41 PM](#) Council Member Randleman asked if at one time the City had garbage cans in that area, but have since moved them? City Superintendent Nate Marvin stated that this was correct, but that the cans are now relocated.

[7:49:03 PM](#) Council Member Barberis asked if the businesses were now the only ones using that area? Superintendent Marvin affirmed.

[7:49:13 PM](#) Council Member Leedy asked if that was a dedicated street-alley? Superintendent Marvin nodded that it was not. Council Member Randleman added that the only advantage would have been that the City and not the businesses negotiated with the Trails.

[7:50:10 PM](#) Council Member Randleman suggested that the City respond to the request, by having the Mayor draft a letter back to Weiser River Trail's proposing that they make the same lease agreement they have with the City, with the businesses that use the easement.

[7:50:30 PM](#) Mayor Thomas asked if the Council has any interest in looking at the lease again? Council Member Barberis stated that he did not think we should pay for something we do not even use.

[7:50:53 PM](#) Clerk Tate asked the Council if the businesses stepped up and paid the fee would there be an issue with authorizing the Mayor to sign the agreement. The agreement would be with the City, but the fees would be paid by the owners. Mayor Thomas did not think that would be a good idea. Discussion followed.

[7:52:52 PM](#)

Motioned by Dan Randleman and seconded by Cliff Barberis to authorize Mayor Thomas to send a letter to Friends of the Weiser River Trail stating that the City of Weiser is no longer interested in their lease, but would hope they would consider offering the same lease to the businesses that use the easement.

[7:53:24 PM](#)

ROLL CALL VOTE:

AYES: Sherry Young, Dan Randleman, Virgil Leedy, Cliff Barberis and Layna Hafer

NAYES: None

ABSTAINED: None

MOTION CARRIED.

EXECUTIVE SESSION IDAHO CODE 67-2345(f) PENDING LITIGATION UPDATE

7:53:55 PM

Motioned by Layna Hafer and seconded by Virgil Leedy to go into Executive Session per Idaho Code 67-2345(f) pending litigation update.

7:54:04 PM

ROLL CALL VOTE:

AYES: Dan Randleman, Cliff Barberis, Sherry Young, Virgil Leedy and Layna Hafer

NAYES: None

ABSTAINED: None

MOTION CARRIED.

8:17:47 PM

Motioned by Layna Hafer and seconded by Virgil Leedy to come out of Executive Session under Idaho Code 67-2345(f) pending litigation Update.

8:18:00 PM

AYES: Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young

NAYES: None

ABSTAINED: None

MOTION CARRIED.

8:18:47 PM

Motioned by Sherry Young and seconded by Dan Randleman to adjourn.

8:19:02 PM

AYES: Dan Randleman, Layna Hafer, Virgil Leedy, Cliff Barberis and Sherry Young

NAYES: None

ABSTAINED: None

MOTION CARRIED.

THIS REGULAR CITY COUNCIL MEETING WAS ADJOURNED AT 8:19:04 PM

Diana L. Thomas, Mayor

David Tate, Clerk/Coordinator