

MARCH 23, 2023

6:01:57 PM

A SPECIAL CITY COUNCIL MEETING/PUBLIC HEARING was called to order by Mayor Randall Hibberd at 6:00 PM with the following present:

ROLL CALL:

PRESENT: Layna Hafer, Larry Hogg, Cliff Barberis, Alicia Fowler (Via Phone), Mike Hopkins and Sterling Blackwell.

ABSENT: None.

STAFF: Randall Hibberd, Natasha McDaniel, Mike Campbell, Lonnie Chambers, Wayne Wallace, Bill Taylor, Dave Loos, Mackenzie Kissell and Sherri Breaux.

GUESTS: Cherese McClain, Cody Stubblefield, Jamie Parker, George Roth, Michael O'Reilly, Phil Janquart, Marilyn Gatley, Joe Dodson, Todd Meyers, John Aegerter, Ginger Taylor and Gina Clark.

6:02:13 PM – Mayor Hibberd, tonight we are going to be having several public hearings and the way this will go is that the proponent of the article will come forward identify themselves, give their address and give their presentation. We'll then ask for any comments "In Favor" of the proposal, they will come forward give their name, address and what they have to say. Same with "Neutral" comments. Followed by those who "Oppose" the proposal. Then time for "Rebuttal" by the presenter. The City Council will listen and then we will "Close" that portion of the Public Hearing and the City Council will vote on it. We will then move on to the next item.

PUBLIC HEARING:

DAVID J. TOUSSAINT REQUESTING ANNEXATION WITH C-3 COMMERCIAL ZONING DESIGNATION – Action Item. 6:03:20 PM

6:04:05 PM – Todd Myers, Maverik Incorporated, 185 South State Street, Salt Lake City, Utah. We are under contract to purchase this property and that's why we're the applicant on it. If we are successful in getting our permits then we would close, be the property owner and also be the one that is running the business itself.

6:04:42 PM - As we look at the application for annexation it lists out several things that are required. First, is the use in compliance with the City's Comprehensive Plan. The City has a Draft Comprehensive Plan currently on it's website, it's been there since November as far as I can remember and it shows this area to be Commercial. Of course our use and our requested zoning is also Commercial, C-3 zoning is what our request has.

6:05:16 PM – The next thing is somewhat related to it and that is, how does this zoning comply with the other uses in the area. Especially on our side of the street there are several county commercial businesses. If you look at that C-3 Zone, those businesses would also be permitted within that zone, so we think it's in pretty good compliance there.

6:05:48 PM – The other thing that the application requires is, what are the public improvements? We have been working with both City Staff and also with ITD and as far as the improvements go, first of all we start with the street and street access. If we are permitted, ITD's requiring that our access be all the way on the south end of the property. That's a very appropriate place because of the curvature of the arch of the bridge. If you've ever been down to that portion of the property, this access is going to be right close to where those power poles are, that's where that south property line is. From that position you can look towards the bridge and you can see over the arch, so line of sight is pretty good in this location.

6:06:45 PM – ITD has a couple more requirements as far as the street itself. We will expand the width of the street through our frontage there to create the center turn lane. That helps both with turning into the property and also turning out, so it's really a safety factor there and also a comfort factor for our

customers. We want them to have a good experience. The next thing ITD requires is that we would have to build a right hand turn deceleration lane so they can get out of that flow of traffic and slow down as they come into the property.

6:07:56 PM – As you think about the bridge there is a sidewalk on one side, it's on our side so we will be extending that sidewalk along our frontage. Obviously we love pedestrians coming to our store too. You don't have to just buy gas, come buy your Bahama Mamma, your cinnamon rolls, we definitely want to be pedestrian friendly.

6:08:23 PM – With that you have another item on your agenda later today that is going to have pedestrians and we've worked with them and have a strategy to make it so they don't have to walk across the street. If we can get ITD on board, we're working together to extend a pathway so that they would be able to go underneath the bridge and not across the street. We would also be willing to extend an easement along the river. It's flood way, it's not something that could ever be developed by us, but if the City would like an easement along the river in case the City ever wants to have pathways on the south side of the river. I'm a former city planner from Idaho Falls and the pathways along the green belt is such a key portion of that city. And we don't mind being on one end of that, to sell some cinnamon rolls and whatever else we can do there.

6:09:25 PM - That's the bulk of this but then you get into, well these are just kinda words, how do we get commitment? So we have submitted with our application an Annexation Agreement. The Annexation Agreement is fairly simple, what it does is it requires us before developing we have to enter into a Development Agreement with the City. What I anticipate is, that we would have all these things I just spoke about would be part of that development agreement. Along with this is an entrance way into the City. I think we've done a pretty good job as far as our building elevations and as far as our landscaping, but you don't have any guarantees unless there is that development agreement and so that's why we're proposing it. We would want to keep the wording so that, you know I don't mind like having our building elevations, our new elevations I think you're really going to like. The Payette Store is nice, but that's a remodel, that's an old store by Maverik standards. Well, this store will be an old store by Maverik standards in twelve to fifteen years, so we would want to have the flexibility to be able to upgrade those things at that time. We are going to give you the best right now, but we want to be able to upgrade it in the future without having to many issues and public hearings and so forth. So if we could word it like that and then also the same with the landscaping. So I would propose the landscaping plan, the improvement plans for the street, for the utilities, those would all be part of that development agreement. How is it going to be served by utilities, how is it going to address traffic and pedestrians. That's pretty much my spill for today unless you have any questions.

6:11:33 PM – IN FAVOR OF THE PROJECT: None.

6:11:45 PM – NEUTRAL COMMENTS: None.

6:11:52 PM – OPPOSITION TO THE PROJECT:

6:12:03 PM – Mark Stubblefield, 1821 Pete Kriger Rd, Midvale ID. We own the farm to the west of the proposed annexation. I guess our concerns are the flooding that takes place actually on both sides of the road. The last time that flooded was like on the 10th of April about four years ago. If you go back the City of Weiser did a study with the Core of Engineers many years ago and the Core of Engineers looked at all the flood plains, the development that had taken place within the areas and the recommendation and the City of Weiser is who actually sponsored this study. Their proposal back to the City was do not develop anything within the flood plains or the flood ways along the Weiser River. I find it interesting that there's beginning to be quite a deviation from those recommendations. My opinion is, it might be good for the City of Weiser but I don't think it's good for the community because of the congestion. If you go out by the liquor store right now without Maverik being there, there's a lot of congestion between it and Hometown Motors and this is just going to be increased dramatically. Those are part of the reasons why I would be opposed to it.

6:14:07 PM – Mayor Hibberd asked Todd Myers if he had any rebuttal?

REBUTTAL:

6:14:14 PM – Todd Myers, Maverik Incorporated. We have mapped out the Flood Way/Flood Plain and that gets back to what I was talking about earlier, I don't have a site plan in front of me but the northern third of that property you really could not develop which makes it a really good place for a pathway. But, yes, we need to keep the structures and so forth further south out of that.

6:14:42 PM – Mayor Hibberd, so what you're saying is where the building is going to be and where the development is going to be is out of the Flood Plain? Todd Myers, yes, I'll make sure our engineers double check it, but that's how it was supposed to be designed.

6:15:06 PM – PUBLIC HEARING CLOSED.

6:15:10 PM – CITY COUNCIL MEETING OPENED:

6:15:28 PM – Sterling Blackwell, so my understanding with the Development Plan is that each stage of the Development Plan goes to P&Z and they approve? Is that P&Z or is that us? Mayor Hibberd, the P&Z would take and review the Development Plan and then make a recommendation and the City Council would approve it. Sterling, each continual stage or I guess...Mayor Hibberd, I think there would be one plan, is what normally happens. The Building Inspector does it for the rest of it.

6:16:07 PM – Cherese McClain, they are proposing a Development Agreement and we can certainly set it out in that as well as to the process of how they go through their approvals in their phases. That would be one thing to consider is that the City could certainly regulate it through that instead of in the guarded document that says this is what you could do in P&Z or we can just go straight to City Council.

6:16:41 PM – Sterling Blackwell, I feel like the recommendation from our P&Z Commission was that the recommendation, and correct me if I'm wrong, is that we approve but with the understanding that the Development Plan is what is being used to keep it in line.

6:16:54 PM – Cherese McClain, I don't know how big of a project it is, but usually if there's going to be multiple phases that is one way to do it. Sometimes Council's are very comfortable just going through it themselves understanding the overall project. It's really up to the City, but since they are proposing an annexation and development agreement if that's what you want you can write it in that way.

6:17:21 PM – Layna Hafer, I would just for all of the new faces in the room, this is our City Attorney, pointing out Cherese McClain with MSBT Law.

6:17:41 PM – Mayor Hibberd, please understand that this is the first time the City has ever entered into a Development Agreement on new development. Cherese McClain, I love Development Agreements, the Supreme Court has upheld them, they're bound very strongly, it is a contract and it's considered a true contract, so for the concerns of the property owners adjacent, it's a strong, it's the strongest I do and I've done land use work for twenty years and I'm thrilled that they're willing to enter into a Development Agreement, it holds their feet to the fire.

6:18:27 PM – Layna Hafer, so our focus is the annexation alone? Mayor Hibberd affirmed. Clerk McDaniel, and to set zoning.

6:18:53 PM – Cherese McClain, if you guys are entertaining an approval, approve the annexation with a C-3 zoning subject to approval of the Development Agreement. So the annexation is approved but the zoning would be along the conversation of your Development Agreement. But absolutely you want a zone as soon as you annex. I've litigated that way to many times to not want to do that again. But you certainly tonight want to entertain the annexation approval subject to a development agreement, that would be the motion tonight. Then we can get a DA in front of you guys that deals with the C-3 and the limitations. I sounds like they have a pretty good game plan so we can go from there. But yes it would be both the annexation and the zoning to C-3. Does anyone have any questions regarding that?

6:19:50 PM – Larry Hogg, no, but thank you for that. Cherese McClain, it takes a lot of time to make mistakes to realize not to do that again without it.

6:20:00 PM

Motioned by Layna Hafer and seconded by Cliff Barberis to approve David J. Toussaint's request for Annexation with a C-3 Commercial designation subject to the addition of the Development Agreement.

6:20:20 PM

ROLL CALL VOTE:

AYES: Larry Hogg, Cliff Barberis, Sterling Blackwell, Layna Hafer and Mike Hopkins

NAYES: Alicia Fowler

ABSTAINED: None
MOTION CARRIED.

**PARKER PROPERTIES LLC ANNEXATION WITH C-1 COMMERCIAL ZONING DESIGN –
Action Item. [6:20:44 PM](#)**

[6:21:11 PM](#) – Jamie Parker, Parker Properties, 5739 W Reva Capri, Meridian ID gave a brief introduction to who Parker Properties is. In short we're here for the approval for the annexation, zoning and conditional use permit for the parcel shown on the map (east side of US 95 just south of the Weiser River.) Parker Properties is a company my wife and I started, my wife is actually a native of Weiser and grew up here, my in-laws still live here. My wife first brought me here twelve years ago to the Fiddle Festival and just had a blast but noticed everyone camped out on the High School Football Field and thought it was a little bit odd that there wasn't a campground around with full hook-ups to accommodate the patrons who come to the Fiddle Fest.

[6:22:18 PM](#) – I noticed this property and thought it was an excellent candidate for that opportunity. We are proposing a 110 spot RV Park, this is not a long term use RV Park, it is seasonal. This is more of a recreational hub for Weiser is how we see it. With the Weiser Fiddle Festival this is right along the Weiser River. I know that my wife said she floated the Weiser River growing up and this is an excellent spot if you start higher up you can pop out right here by the bridge. The Weiser River Trail is the greatest amenity, if you go on the Weiser River Trail website they say right on there there is no good access point if you're in Weiser if you're trying to start at the bottom of the trail. This being right across the river from the starting point of the Weiser River Trail we've been working with Maverik quite extensively to get an access point underneath the bridge over to the sidewalk and up to the Weiser River Trail trail head. We think it's an excellent access for bicyclists, we even have spots in there for equestrian trailer parking who want to access the site for that purpose as well.

[6:23:34 PM](#) – More recently what I found out is there is also one thousand acres donated by the BLM for a non motorized bicycle park just up Weiser River Road about two miles out Park Street. That's going to start development in 2025. It will be a great access for non motorized bicyclists who camp here and go and ride the thousand acres of BLM land. That's a little about Parker Properties, who I am, my background and the vision for the Park.

[6:24:09 PM](#) - You were given a power point presentation of the Weiser River Trail Head RV Resort I'll go over about half of this and then turn it over to Joe to go over the Planning & Zoning aspects. The applicant team, Jay Walker who was here at Planning & Zoning is our engineer along with Michael O'Reilly and Joe Dodson is our Planner. A little about the timeline, we started in the fall of 2022 talking to staff about the utility connections and boring underneath the river. Teaming up with Maverik to achieve both water and sewer service. We had our application submitted in December, P & Z in February and here we are at the City Council. Along with that timeline we would prefer, we did talk to Planning & Zoning about also entering into a Development Agreement. My biggest concern is timing, obviously we would like to move quickly so if we could talk about how quickly to produce a Development Agreement and execute one to move forward. We obviously know this is a huge entry corridor into the City and we want to make a beautiful park. That is a recreational hub that people want to come, camp out at and spend time in Weiser. Just looking to expedite that process as quickly as possible in the timeline.

[6:25:33 PM](#) – The next slide is just the vicinity map showing where the location of the Park is. It is an 18 acre parcel with 110 use spots. Some concept photos of what we are trying to accomplish here are included in the next couple slides. Obviously a high end RV Resort, lots of trees, a fishing pond, a tot lot for kids to play on the swings and slides, some premium spots with fire rings and every spot a picnic table. We will have a small convenience store for camp like items, a laundry facility and equestrian parking as well. We would like to set up some sort of tube conveyance system with a bus to take people up stream to float the river and get out where we are at. We want to have a dog park and also bicycle rentals of course. That is kind of the concept and vision for the Park and I will turn it over for specific zoning items to Joe. I will stand for questions at the end, thank you Council.

[6:26:48 PM](#) – Joe Dodson with Kimley-Horn, 1100 W Idaho Street Suite 210, Boise Idaho 83702. We are here tonight again for the annexation and zoning and conditional use permit for this RV Resort. We are requesting the C-1 Commercial Zone not the C-3 like Maverik. The reason is because the RV Park use is only allowed in that C-1 Commercial Zone. It's also allowed in Residential Districts, but we feel a Commercial Zone is more appropriate because it matches the drafted future land use map.

[6:27:39 PM](#) – Slide ten, that has our Site Plan, just showing a bit more of an overview. C-1 Zoning,

about 18 acres, 110 total spots as Jamie noted, 25 Premium, 85 Standard. The difference between the standard and the premium is that the premium ones are wider and have the fire pits. We have 30 regular vehicle stalls, especially for those who want to park in here and then use the trail head but don't necessarily want to camp here. Then the trailer parking stalls for equestrian or somebody who is just doing a pull behind type of situation.

6:28:22 PM – Next slide we have a wonderful bubble plan I tried to draw in showing a little more high level what we are proposing on the site. It shows the pedestrian connectivity underneath the bridge to the Weiser River Trail, which is a great amenity for Weiser which I would hope to come and use someday. In the red I show that we are proposing a clubhouse with a pool, a little to the east pickle ball, the tot lot and sand volleyball courts as well which are usually heavily used in any kind of park. The green area shown at the top is just kind of a conceptual open event area because again we can't build on that because it is in the Flood Way, we understand that, especially along the east side of lot 2 where we have a proposed fishing pond as well as potential tent sites, so it's all encompassing type of camping for future users.

6:29:15 PM – Next slide, we do have the Comp Plan Policies, I do understand that the Comprehensive Plan is in draft form and has not been ratified. I did go through that and tried to pull out some Comp Plan policies that I found that are commercial use and what it can bring to Weiser, we would comply with. Joe did not read them out loud, but pointed out the top five that he had found to the Council. The main point is just concentrating commercial connecting them to future park spaces, multi-use pathways, things like that. Increasing the walkability and bikability in the areas and of course when you are in a place like this, encourage recreation and those types of uses, that is exactly what I believe we are doing.

6:29:58 PM – Similar to what Todd had mentioned with the Maverik site I've gone through and noted those four pieces with the annexation and code compliance there. One with the consent of the land owner, which we have. Contiguous with the City Limits, which we are, as well as being within the Weiser Area of Impact, which we also are and then we are compliant with the specific City Code, 40 RV Code which is 3-12-4. When we get to the next step of having Dave Loos review the Site Plan in detail, we will ensure that we are compliant with that. That includes parking, any buffers, any landscaping or fencing, all those things, we will absolutely ensure which after looking at this for many hours, we already are compliant with the proposed Site Plan. Then lastly, I'll just again note that we are requesting a annexation and zoning and the conditional use permit for the use. Jamie did note that we do have Jay Walker on the team as well, he is a Weiser native, we are trying channel Jay's energy and his love for Weiser that we all share and want to help bring this use to you guys. I will now stand for any questions as well as Jamie.

6:31:12 PM – Layna Hafer, can you show us on the map, is there one exit egress, how will they come and go from that location? Joe Dodson, as far south as we can go for the same reasons that Maverik is proposing, to get away from any sight line issues that go over the bridge. Again, we will work with ITD on the specifics. If we hopefully get this through tonight we will be submitting to ITD next week. We are ready to start all these conversations to ensure that we're meeting all their requirements.

6:31:52 PM – Layna Hafer, are you going to change the elevation at all or leaving it at the site level? Joe Dodson, with the requirements of pretty much FEMA, but all the flood laws, we can't change the elevations so the high point right now is going to stay the high point. There's already an elevated area, that's going to be where the club house and parking lot is and then the rest of it we'll slope those not so subtle slopes right now, from that into that lower area, we have to maintain that base flood elevation.

6:32:33 PM – Jamie Parker, more to that, we already started the conversation with the Idaho Department of Lands, specifically with Maureen O'Shae who was formally with the Idaho Department of Lands overseeing all flood plains for the whole state. We talked about, obviously we can not change the elevations of the lower parcels so all of the asphalt for the roads will remain at existing grade. In the "Flood Plain" locations, there is a portion of the site which is in the "Flood Way" which we can not even have power pedestals raised up in. So that's why you see nothing beyond the boundary of the Flood Way with the exception of an asphalt road which remains at the existing elevations. We did get confirmation that that can stay, we can put an asphalt road in remaining at the existing elevation. The only building structures will be the Club House and Pool which will be up on the raised site, which is about 1 acre.

6:33:27 PM – Cliff Barberis, being right next to the road, not everybody does the speed limit coming into town, are you going to have some type of barrier, it's right next to the pool and the club house amenity area, it doesn't take much for a car to go screaming through there? Jamie Parker, it does not.

In one of our conversations one of the recommendations from the P&Z Meeting was to talk to ITD about moving the signage for the reduced speed limit zone further south so cars start slowing down sooner as they come into town. So that's one of our points of conversation with them. There will be a fence around the pool area but the club house will be open, but that's not an entry point on the...Cliff Barberis, but no barriers or anything to keep vehicles from slipping in and going through your building or into the pool or ...Joe Dodson, landscaping and fencing for sure, but we're not building a wall if that's what you're asking. Cliff, no I was just thinking the cement barriers, like the ones dividing highways. I have a concern about that being so close to the road and a slick road on a day that you are open, it's just wide open for somebody to run in there. Jamie Parker, it's something we're willing to look into.

6:35:04 PM – Larry Hogg, as I recall from the P&Z Public Hearing there was some discussion about the times of the year you would be allowed to be open, can you share those? Jamie Parker, I did mention it would be a seasonal park, it was recommended at Planning & Zoning to be closed three months out of the year through December, January, and February so we would be open March through November, nine months, which I'm in agreement too. It's a low tourist time anyway and we wouldn't get a lot of traffic and we're fine with closing and being seasonal. Mayor Hibberd, and probably anytime that it was flooding, I assume.

6:35:56 PM – Larry Hogg, I think that all of us have lived here long enough to have seen quite a bit of water down there. Can you also describe for us, there was some discussion about the sewer hook-ups how that was going to work and what you're agreeing to with the City in that regard. Jamie Parker, I will speak to you in more layman terms and then Michael the engineer who is part of the design team if you want more technical answers. We have been working with Maverik so the Maverik plans that staff has already seen contains a 12 inch Water Main being bored underneath the Weiser River and we would be installing a water service off of that 12 inch main for water service to our site. As far as the sewer lines staff has indicated that they do not want to put a public uplift station on the other side of the river and that we would need to bore individual service lines underneath the river for our own service purposes. I have opinions about that, I think there's great business opportunity if the City is interested in putting a lift station on the south side of the river. I think there's a lot more potential development for that. The position that staff has taken to this point I think us and Maverik are going to bore PVC lines under the river for our sewer services. Ours will run to our site, we'll have a wet well on our site, a lift station to our pressurized service line that goes and ties into the point of connection in a manhole or sewer main with the City.

6:37:50 PM – Mayor Hibberd, how will you prevent problems in case it floods, with the sewer system? Jamie Parker, our engineer will put together an operation and maintenance manual that we would implement every season at season close by capping off sewer mains, shutting off the lift station. No sewers is going to be running so we will cap the sewer mains so they won't fill with river water. There is a whole process and procedure with the O&M manual that would take place.

6:38:37 PM – Sterling Blackwell, I'll state my one fear and it probably isn't even something I'm suppose to say but I'm going to say it anyway, cause that's what I do. Seasonal is important to me, what guarantee do we have that that doesn't eventually change to we can stay all year long, we really like having people here? Is that something that is protected in code? Is that something that we're safe because of our Development Plan, what guarantee do we have? Mayor Hibberd, we have it in code that RV Parks are not to have occupants more than six months at a time.

6:39:19 PM – Layna Hafer, but somebody could come in in October and stay for six months. My question is why is that there? Why does that matter?

6:39:33 PM – Dave Loos, one thing on that, that's a recommendation from FEMA themselves, in fact they recommend that it close even longer and it's probably going to be stated in our Development Agreement. Layna Hafer, because it's a flood plain? Dave, yes, from the Flood Plain Administrator from the State. They recommended January through April but as our own City Flood Code we can set the dates that we want them closed. That's something that in a Development Agreement can be hammered out, as far as close dates.

6:40:15 PM – Cherese McClain, as part of the DA absolutely that should be set forth as the exact dates of approval. In the future if they have something compelling they want to change they can come back and negotiate with the City, but it should be specifically set forth in the Development Agreement as to their schedule of opening and closing. I wouldn't leave it so it's more than six months, I think it should be as they are proposing whatever that is. It should be very specific in their conditions of approval in there Development Agreement and in fact your approval should reflect that is what you want. When

you guys do make a vote, if you do decide to proceed in approving it, please make that clear so that staff can make sure you reflect that in the Agreement. It's legally binding so it doesn't get slippery. Mayor Hibberd, and it stays with the property. Cherese affirmed that.

6:41:21 PM – Joe Dodson, I totally agree, I'm a former City Planner as of four months ago so I am very familiar with Development Agreements so I definitely understand the provisions and how to review them. We would absolutely be willing to put in the months of operation. To speak with the Council Woman's question regarding the six months, I can't speak to why that's in your code but I presume it's so it doesn't turn into a Mobile Home Park. Cherese McClain, this would be more of a conditional use of approval under a CUP standard but in the form of a development agreement, it would just state a cut off date like November to April or October to May, just somewhere in those winter months. Joe Dodson, we are very willing to work with Dave and the City to coordinate on what those actual months will be, so you will have assurances.

6:43:02 PM – Sterling Blackwell, how long do you think it will take if approval is given, what's your expected development time to be ready to open? Jamie Parker, Kimley-Horn has capacity to finish construction drawings within the next 60 to 90 days so we would get those in front of staff for approvals, which tends to be in my experience of the last number of years it's city agencies approval times. But seeing that you guys have a third party engineer, I've worked well with Keller on many of my other projects and I know they approve rather quickly. My ideal time line is to get full approvals by the Fall and do wet utilities throughout the Winter time, be paving in the early Spring and open by Memorial Day next year, May of 2024.

6:43:53 PM – Larry Hogg, point of clarification, you were in agreement as far as the dates to not be operating December, January, and February is that correct? Jamie Parker affirmed. Larry, Dave and staff is that the dates that you feel comfortable with? They nodded affirmation.

6:44:20 PM – Sterling Blackwell, my next question is for staff. Is there a reason we are not looking at doing a lift station and why we are asking them to individually bore their own service lines? Mike Campbell, right now unless there's other annexations, you're looking at two uses to cover the cost of maintaining and taking care of a lift station, for two that is very expensive. Cost to benefit ratio is not there at that point if you look at what it would take to run a full lift station with the minimum size requirement, pumps, electricity, that kind of stuff.

6:45:00 PM – Mayor Hibberd, a lift station would cost about how much to install? Mike Campbell, between three quarters of a million and a million dollars depending on the size. It has to be super deep there would be part of the problem, it would be very deep. Then you're in the flooding over there and stuff, for us to maintain that I... After speaking with Lonnie, he may be able to tell you a little more about it. We've discussed it quite a bit, talked to Keller about it and everybody was kind of in agreeance that there's not enough business on that side at this time, with the other businesses not wanting to annex in at this time. Mayor Hibberd, we wouldn't be able to charge enough to ever recoup that.

6:45:45 PM - Sterling Blackwell, sure, sure. Have we looked at our numbers enough to know at what point it does become advantageous, what is that turning point for us to say, oh now we need a lift station? Mayor Hibberd, a lot would depends on the businesses that would be proposing to go in. Mike Campbell, you're not going to be building houses out there in the flood plain, you'd have to go way out past the radio station and old salvage yard to start building houses again. The smallest lift station we have services sixty people right now. Sterling, does our commercial, do they use less water or more water than...? Mike Campbell, that could depend on what you're putting out there. You can have a large commercial building that has two bathrooms and a couple sinks. Sterling, yeah but we're talking about 106 RV trailers and then Maverik. Mike, sure but the 106 RV trailers are billed by the valve size that goes into them not by the actual hook-up. Because the way that's billed, we never know if they're going to be full, they're part time for the year so if they have two 2 inch valves I'm not sure what you guys are proposing for water, loop that through there, but you are billed by the size of the valve, not the connections because we don't know when their connections are going to be full. If we billed them by every connection then yes it would be worth putting it in but I don't know if he would want to pay \$4,000.00 a month for sewer that may not be used.

6:47:21 PM – Clerk McDaniel, they would have to pay individual base rates for each individual connection, it would be \$29.00 on 110 spaces. Mike Campbell, plus you would charge water by the space too. Clerk McDaniel, once you start doing it by the space then you start paying the base rates per the capability of what could be there. Mayor Hibberd, while your here can we talk you into that? Mike Campbell, if you're willing to do that we would be more interested in a lift station.

6:47:50 PM – Jamie Parker, so I'm trying to follow, the format I'm familiar with most of these you're billed based on the gallons of water used. If we put in a 4 inch connection and we draw "X" amount of gallons per month, it's assumed that's also wastewater but you were mentioning it's based on a quantity. Mike Campbell, it is quantity by valve size, but then it's one connection so you don't have 110 base fees to go with it. So you are paying one base rate on a large valve which pays for your water separately, of course. But your sewer is billed concurrent to that but you only pay one base fee instead of 110. The sewer will be rated against the water usage but it won't be per the base rate. Jamie, we'll run with our service for now.

6:48:44 PM – Jamie Parker, I was reached out to because there is a property south of said church that asked me about the annexation process and they were also interested in annexing into the city, but they have to be contiguous to the city limits. They may or may not be, but just as a point of...Mike Campbell, we're aware of that one also. We've chatted but they have not turned any paper work in yet. Jamie, if you build it they will come.

6:49:35 PM – IN FAVOR OF THE PROJECT:

6:50:06 PM – George Roth, 850 W 7th Street, Weiser Idaho 83672. I've been following Jamie and what he's wanting to do for the community. I would just say that Jamie's a stand up guy and he's a go-get-r and he's a great son-in-law, so I can vouch for him in that regard. I think what he desires for the community is very interesting and it would be something to have people not only pass through our community, but to maybe help them stay here, which would be helpful to other businesses in the community. I was thinking about the hunting in the Fall, people could station here and pursue their quarry. I'm not a bike rider, but the Weiser Trail and stuff, I think it would be a great opportunity and could be advertised as a family friendly environment with lots of opportunities. I think in this day and age the opportunity to build family relationships in a good wholesome environment, I think would be advantageous to our community.

6:52:36 PM – NEUTRAL COMMENTS: None.

6:52:45 PM – OPPOSITION TO THE PROJECT: None. So, I don't see any reason to rebut.

6:53:03 PM – Moved out of the Public Hearing for Parker Properties LLC Annexation with C-1 Commercial Zoning Design and moved into the City Council Meeting.

6:53:10 PM – Layna Hafer, do we want to add in the Development Agreement to the Annexation or in our Conditional Use Permit? Cherese McClain, I think they want to do a Development Agreement right? Joe Dodson, my understanding is that it has to be with the annexation. Layna, I just needed clarification. Cherese, with the annexation we'll do the initial zoning and then we'll do a Development Agreement with one big hug. Joe Dodson, it will be one set of findings. Cherese affirmed. We'll do a set of findings, annexation and the DA, it will be kind of in lieu of really a CUP to some degree. Joe Dodson, if you wanted to do it that way, we're also already submitted for the CUP. Cherese, there's a couple of ways we can skin this cat, at the end of the day we can make sure the conditions are enforceable. The documents are more semantics than anything else, it's a matter of just getting a document put in front of you guys that's legally binding by the City and the applicant, to put in exactly the conditions and as I understand it, I was not involved in the P & Z part of this but it sounds like the request for conditions was made and you are in agreement. Joe Dodson, that was just for the months that we discussed being closed December through February. Cherese, so we can get that incorporated in, then just a general development agreement with general provisions. I would like to work with the City Engineer and make sure they're happy as well because their role is more important than mine. Mine's just checking it to make sure it's legit. Other than that do you agree? Joe Dodson, it makes sense, just include it in part of the motion.

6:55:27 PM – Larry Hogg, so Cherese are you suggesting that we can do the Development Agreement instead of the CUP? Cherese McClain, you can do either one. Mike Campbell, No. Dave Loos, our code requires that it have a Conditional Use Permit. Cherese, that's totally fine, thank you for correcting me, I wasn't aware of that. They can both walk and talk like a duck, they can both have the same legality of enforce-ability. We'll just make sure the form is correct for our City Code.

6:56:17 PM – Larry Hogg, it's a little hard to consider one without the other or discuss one without the other, so we need to do these one at a time. So we would first be dealing with the annexation and we have listed to do a public hearing for the Conditional Use Permit too. We may well have already had by most substance that already.

6:57:03 PM – Cherese McClain, so when you do an annexation it's called an initial zone not a rezone, because you're annexing in property that isn't a real uncommon nomenclature situation. You'll do the annexation, which I do suggest being separate just for cleanliness, but I don't really care that much. Then you'll do an initial zoning because you certainly don't want to annex property in that you haven't identified what it's uses should be. So when I said “big hug” I really meant that, it's an annexation with an initial zone with a conditional use permit. It would have whatever conditions you want to impose on the approval of that. Does that make sense?

6:57:46 PM – Larry Hogg, so if I was in favor of their request here, I'd make a motion that said that we approve the annexation of the property with a C-1 Commercial Zone and I understood you earlier to say that we should include in that motion if there are dates we want them to be not operating? Cherese McClain, I think since P & Z already gave a recommendation, you guys could do a motion to approve the annexation and the initial zone of C-1 with the Planning & Zoning approvals. That will envelope everything, if that's what you guys agree to, that will be a fell swoop because then it allows staff to integrate everything that has already been heard and said in your staff reports and the information provided to you without you having to painstakingly lay them all out. You can get really good at acronyms because its not like guys are building quickly as it will be in AZ, R, CUP this beautiful line of acronyms, it's all one fell swoop of that. If you guys are in agreement with the Planning & Zoning recommendations, go forward with the annexation and initial zoning to the C-1 as requested, if you agree with that, and then with what P & Z recommends and if you want to add any additional conditions.

6:59:24 PM – Mike Campbell, all RV Parks require a CUP to be an RV Park, that's why that's two items. So when they do the annexation they have to have a CUP to put an RV Park there no matter what. Cherese McClain, I do think Mr Mayor if you want you can ask the crowd if anyone has anything to speak to to this specific CUP application but other than that Mr Councilman I think you're correct that everyone's had an opportunity, but certainly give the public a final opportunity if they want to speak specifically to the CUP.

7:00:12 PM

Motioned by Larry Hogg and seconded by Mike Hopkins to approve the Annexation request from Parker Properties LLC with an Initial C-1 Commercial Zoning contingent upon approval of a Development Agreement and all other recommendations from the Planning & Zoning Commission.

7:00:41 PM

ROLL CALL VOTE:

AYES: Mike Hopkins, Layna Hafer, Larry Hogg, Cliff Barberis, Alicia Fowler and Sterling Blackwell

NAYES: None

ABSTAINED: None

MOTION CARRIED.

PARKER PROPERTIES LLC CONDITIONAL USE PERMIT FOR CAMPGROUND – Action Item. 7:01:05 PM

7:01:12 PM – ANY OTHER COMMENTS THAT ANYONE WOULD LIKE TO MAKE:

7:01:20 PM – Jamie Parker with Parker Properties, 5739 W Reva Capri, Meridian Idaho, no additional comments, ditto.

7:01:41 PM – The Public Hearing for Parker Properties LLC Conditional Use Permit for Campground was closed and the City Council Meeting was opened.

7:01:54 PM

Motioned by Layna Hafer and seconded by Sterling Blackwell to approve the Parker Properties LLC Conditional Use Permit for a Campground.

7:02:03 PM

ROLL CALL VOTE:

AYES: Sterling Blackwell, Mike Hopkins, Layna Hafer, Cliff Barberis, Alicia Fowler and Larry Hogg

NAYES: None

ABSTAINED: None

MOTION CARRIED.

RESOLUTION #676 WASTEWATER ENFORCEMENT PLAN/PENALTY SCHEDULE –

Action Item. 7:02:27 PM

Lonnie Chambers, City of Weiser Wastewater Treatment Plant Supervisor. In December 2021 the State of Idaho Department of Environmental Quality handed out a letter to all the city entities requiring them to have a Pretreatment Program by December 2022. Because we passed that date we are now working on an extension until the end of March. The Pretreatment Program they are making us regulate with all the businesses that could potentially interfere with the POTW or Publicly Owned Treatment Works; the Sewer System or Treatment Plant. When we say interfere, I'm going to use Fry Foods as an example, which by the way they do a great job. But say Fry Foods would dump a whole vat of grease down the sewer, that would interfere with your Treatment Plant. This Pretreatment Plan keeps that from happening. The City has to run this program, currently right now we have a permit with one of our industries in town where we go in and inspect them every so often. The permit we have with them requires them to do certain things, they have limits on their permits so it doesn't interfere with the Wastewater Treatment Plan. In this Pretreatment Program we will be going out and visiting with all the local businesses. Currently there are thirty-six businesses in town, only twenty-two of those are contributors to the Wastewater System where they could potentially cause a problem to the Wastewater Treatment Plant if they didn't clean a grease trap or they flush chemicals down a drain. It's pretty simple really, it's just the State making us get out there and be more progressive with the businesses. It's something EPA has had forever, they've had the rule that you're suppose to be doing it but all the little towns, we're just kinda Mom and Pop towns we just haven't been doing it yet.

7:05:33 PM – Sterling Blackwell, Lonnie I'm guessing that my business is one of those Mom and Pops that contributes. Lonnie Chambers, with this program we're not going out there and stepping on toes, we want to go out and educate the businesses and better them. It costs money to have a backed up sewer drain fixed. We also have Best Management Practice Handbooks we will hand out to the businesses. We are there to educate the businesses and work together so that we don't ever have to use a pretreatment program, which is a good thing.

7:06:25 PM – Larry Hogg, so this is a mandate that we are made the messengers of? Lonnie Chambers, yes, the way it was in the past is if you had a problem with a business you called the State, the State would step in and say let me come and help you. Now the State is saying no, you can take care of it on your own. To do that you need to implement some rules or add things to your code to give you the legal authority to do that.

7:06:57 PM – Larry Hogg, I'm assuming this agreement we have a copy of here checks all the boxes with what we're required to have in place? Lonnie Chambers, the Program Manuals are what you're seeing here, we also have an Industrial Pretreatment Manual and an Enforcement Manual. We have been in contact with the State of Idaho and passing this document back and forth so we could get things corrected and get what...we've kinda went with the minimum here. It's got what we need in it as far as the City to enforce if we have to, it has that legal verbiage in there to protect the City, but it's by no means a book. We wanted to keep it simple and easy to understand.

7:07:48 PM – Lonnie Chambers, in the Program Procedure Manual, so we'll talk a little bit about code, so the 7-6- 7 currently right now in the City Code, the Enforcement Response Plan is going to get bumped to the 7-6-8 because the 7-6-7 we need to put "Right of Entry" in there. This gives the City the right, if you have proof of businesses dumping grease down the drain and it's interfering with the Sewer Plant, it gives the City the right to enter the business to see that or set up on the premises. Set up on the premises means set up Sampling Stations. It's giving the City that legal authority to enter and say we need to correct this problem. If they won't let you enter you can't see it, but I know it's coming from there, it's that legal authority to do that. 7-6-8 is going to be your Enforcement Response Plan.

7:09:00 PM – The 7-6-9 will be your penalties. The good thing about the penalties is we're actually decreasing them to match the States verbiage, it was at \$10,000.00 now it's at \$1,000.00. Everything in here we have been talking to DEQ, we have all the verbiage to satisfy them as far as what we need to change in the City Code. It also has the legal authority in there to give the City legal authority to investigate, right of entry or a penalty or fee if we need to give them one of those.

7:10:08 PM – Cherese McClain, Lonnie and I have been working on this quite a bit, he's absolutely right in how he's expressing it. Basically ,DEQ is telling us and the State is telling the City in order to to not be in trouble with our Wastewater Program we need to implant compliancy. EPA has this template, I wouldn't say we didn't follow the template, we went our own way and did it different, which is still, it's a great set of documents, he did a wonderful job. There was a few things really, and he points out legal authority, we had them in the Plans but not in the Ordinance. The State had a concern about that because technically you have to grant your own authority to do something, not just in a

Management Plan. We tweaked it together and worked on it and at this point, tonight is actually just approving the fees that are being implemented if there's a non-compliance. We're continuing to work and I'll probably be bugging him tomorrow about getting back to DEQ. DEQ has been very, very cooperative and very helpful so that we've got a really solid set of both the Plans and an Ordinance Amendment. We do need to do a couple of ordinance amendments. Tonight is creating fees, so anytime we create a fee or change a fee that is 5% difference we have to have a hearing and that's what we're here for tonight. You will see this in the future resolution from the edit that Lonnie is referring to. Tonight is just the fees, but you won't have to say much more the next time this comes in front of you. It's really just making sure that all of it was there, it's just some of it wasn't in the Ordinance and that's just where we needed to do a couple of red lines and get it into the Ordinance, but it's a great set of Management Plans. The State has been really wonderful to work with an very cooperative. This is just a clean up and all you're dealing with tonight is approval of some fees in the event there is a non-compliance, it's a graduated set of penalties. You will see some red lines but neither one of us have to tackle it anymore because it is good. It's just not here before you this evening because we are going to go back to DEQ and make sure we get the "mother may I" but other than that we're there.

7:13:16 PM – Lonnie Chambers, so that fee that we're talking about, if you go to the second package on the front of it...Clerk McDaniel, just for clarification, Lonnie you specifically asked me to just put in the Enforcement Response Plan so when you're talking about the codes and everything else they did not receive that.

7:13:34 PM – Lonnie Chambers, in the Enforcement Response Plan on page 10 at the very bottom. Larry Hogg asked about the page 7, Lonnie explained the red line changes. Cherese McClain, it's a little convoluted and I apologize because we're almost cart horsing it before putting the fees in and then you will see an ordinance amendment. We want to make sure DEQ is giving us the green light because we don't want to have to come back to you again and again. I have great confidence that we are going to get the green light, but since we already scheduled a public hearing for fees we thought it was just more efficient to get these fees approved. We will have a slight amendment in the Ordinance.

7:14:46 PM – Lonnie Chamber, so what the fees do, for example we had a business here in town that had a grease trap that overflowed. That grease trap went into the storm drain, the City is suppose to protect the storm drains and the waters of the State or we're going to get fees and fines from the State or Federal Government. So what do we do? We didn't have anything in the past, can't go into the business and tell them to get something done in this amount of time or there will be a \$150.00 fee or whatever, we didn't have that in place. What you are looking at on page 10, right now in the program if a business has a violation you don't just walk out there and say here is a fee. The first step is communication with the business. Do you realize you have a problem? Yes they do, OK lets get it fixed, I'll be back in two days, this better be fixed. Of course we have a paper trail that documents that. If they don't get it fixed in two days, now we give them a violation. We kept these small, the 1st Violation is \$50.00 at a minimum and then the City sets that, OK you have two days to get it fixed or we'll be back with another violation. Those Violation Fees are a tiered system so the longer they let it go and don't want to clean it up the higher the fees get. It is incentive to get it cleaned up before your fees get to high.

7:16:21 PM – Cherese McClain, it's a per day violation, but it also gives like what I call prosecutorial discretion where someone's trying to cooperate we don't want to kick them while they're down. But if they're like "forget you, I'm going to keep dumping bacon grease down your drain and screwing up your system." Then it gives us a bit of "bite" to go back if we need to because at the end of the day Lonnie is absolutely right, the City is the one that has to answer for it's system.

7:16:51 PM – Lonnie Chambers, somebody said to me "is this going to effect all the businesses?" and I said yes, but at the same time no, if the businesses are working with the City. I've been with the City for almost fourteen years at the Wastewater Plant and we've had one business in fourteen years that said "no, I'm not going to clean that" to the City. How many times has this really happened where we've had to go out as the City and enforce this? All of the businesses in all of this time, they like working with you, they just don't know, they have no idea. When you go out there and educate them they realize it's a problem and try to fix it. Once this is submitted to the State, the City Wastewater will have some employees down there that are going to be visiting with the local businesses every six months. The first step is education, we're going to get out there and educate and educate. It's amazing what you get when you just educate somebody. I'd like to say we will never use this as a City, but it's nice to have something in place to give you something to stand on if you need to use it.

7:18:09 PM – Larry Hogg, this information that we have goes through violation #4, is it assumed that it's the same for every violation after that or is that something that you would like us to put in our

approval? Lonnie Chambers, if you turn the page to page 11 there's a table there. If you get to that 4th Violation and the business still doesn't want to pay attention, they keep violating. This is where it goes into an Administrative Order, you can take it to court, you can actually go out, the last resort of course is shutting their water off. If you don't have water going in you can't have water coming out, usually. That table right there kind of talks about after the Notice of Violation it will go to Administrative Order. It talks about if the violations don't work what does the City do next. From there of course it's civil penalties, judicial action or sewer disconnect. There are steps, you can't just come in and just...you can keep hammering them but if they're not paying it's not going to do you any good. The City takes the next step from there.

7:19:25 PM – Larry Hogg, so you are wanting us to act on the bottom of page ten, including the table on the next page or? Lonnie Chambers, the table no. The table is for the City, if they can't get something done this way they can call an attorney, that stuff's already there. Larry, good because there's a lot of acronyms there that I haven't got a clue what means. Cherese McClain, just the fees.

7:19:57 PM – Lonnie Chambers, before anything's done of course the Mayor, Public Works, everybody's going to be on the same page before we just go out and give people fees. We don't give them out unless there's a real violation and it is going to plug the tax payers sewer line and cause twelve other people's houses to flood.

7:20:31 PM – Sterling Blackwell, so the City of Weiser doesn't require business permits so how do we know what businesses we have and where they're located? Lonnie Chambers, the city workers, we know where the businesses are at. We work in this town, most of us live in this town, we know every street, we can pretty much look at a car and tell you where they live. The same thing with the Sewer Plan, we've already been out in the last three years, we've done all of our research, our investigations and everything, we know where everything is at already. All those businesses before this we went out and did a study on who would this effect and how many businesses, so we could have that list on who it's going to effect and who it's not, so we have all that data. That also lets us know who we need to educate in this Program, they are listed as a priority and a non-priority. A non-priority would be like the LDS Church, the only thing they do is warm food. You know they're not going to be in there deep frying fries all day. Where McDonald's is going to be a contributor because they're frying and doing burgers. A lot of times even in small coffee shops, we're just there to educate more than anything. If you have a bunch of fat from this cream and milk you shouldn't dump it down the drain because fat will set up on the pipe and plug them. This is really going after the bigger businesses that are contributors like McDonald's, Fry Foods, this is giving you that solid back. If you can't control what they're putting down the drain or they're not cleaning their grease traps you have something to stand on. Will it effect small businesses like a coffee shop? Probably never, I'm not going to say that it won't, but this is more designed for people who create a massive amount of waste going down the drain that could potentially hurt the Plant or Sewer System.

7:23:12 PM – IN FAVOR OF PROPOSED WASTEWATER ENFORCEMENT PLAN/PENALTY SCHEDULE: None.

7:23:20 PM – NEUTRAL COMMENTS: None.

7:23:25 PM – OPPOSITION TO PROPOSED WASTEWATER ENFORCEMENT PLAN/PENALTY SCHEDULE: None. Having none we will not call you back up for rebuttal Lonnie.

7:23:35 PM – Public Hearing was closed and we moved into the City Council Meeting.

7:23:45 PM – Layna Hafer, I just have a clarification. We are doing a resolution but we don't have the wording in front of us, so the only thing that will be included in this resolution is just these fees? Well the addition because we haven't had these fees correct? Sterling Blackwell, no we haven't.

7:24:09 PM – Clerk McDaniel, DEQ or the State had the fees, we are saying now we have the fees. So we are putting the Fee Schedule into our Plan. The Resolution would be adding the fees.

7:24:24 PM – Layna Hafer, so we will be adding them to a whole bunch of things that we'll change. So why are we not waiting until we have all of it put together? Why are we just doing the fees tonight?

7:24:34 PM – Cherese McClain, we should have a fee Resolution for both this and the next item, we can get it in front of you if you need it. It was really a matter of we were suppose to do this at our last meeting and there was a hiccup in some notices in the fact that it was a public hearing and so it required a specific noticing requirement. Since we were already doing it, I suggested to Clerk

McDaniel we should just piggy back on the fact that we had to publish the public hearing for both these. It's a matter of efficiency that's the reason you are getting it tonight.

7:25:19 PM – Clerk McDaniel, so I do have a...Layna Hafer, is anything drawn up at this point? Clerk McDaniel, the Resolution is to add this fee schedule to the Ordinance that will then go before you. I don't know when, I haven't been informed. Cherese McClain, it should be like in the next month, I mean it's just a matter of time. Layna Hafer, so it does go back to the question do we have to approve the fees or approve them when they're in the Ordinance? Cherese, you could table it, you just need a public hearing for the fees. Layna Hafer, I would rather see it within the document.

7:25:57 PM – Lonnie Chambers, this fee schedule we're talking about on page 10, this fee does not go in the City Code. This fee that is in the City Code that is going to be decreased, it is the one that is going down from \$10,000.00 to \$1,000.00 to match the States. This fee is similar to the Fry Foods Permit, we don't have how much we charge them for flow in the City Code. This fee is in the Manual that the City will use if they have to do it. The fee they we're talking about in the City Code that has to be changed, that one is not going up, it's going down. Layna Hafer, so the Manual is basically this thing you put together? Lonnie affirmed. Layna, so do we want to wait till this (manual) is ready to approve and it includes the fees? Lonnie, from my understanding the fee, we can say yes to it, but the other stuff like bringing the fee down is City Code and the verbiage we're changing, it is kind of two separate topics.

7:27:01 PM – Cherese McClain, it is very confusing, there is a lot going on. Layna Hafer, where will the fees live, will they live in this document, referring to the manual? Lonnie Chambers affirmed. Cherese, you will also have fees in the Code and we aren't bringing the Code forward to you guys because as I explained earlier we want to make sure DEQ gives us a blessing before we spend time on an Ordinance amendment for you guys. I have confidence that he's going to be just fine with it, but we don't have that yet. But since this is technically a new fee, in the Manual, it needed a public hearing and we had Swimming Pool fees as well so we just said lets swoop them all together for now, but you will see an Ordinance Amendment. If you want to table these fees, then table them, but we needed to have a Public Hearing.

7:28:02 PM – Larry Hogg, if we are in favor of these fees what language do we use in a motion? Lonnie Chambers, just approve the Enforcement Fees in the Enforcement Response Plan Manual.

7:28:20 PM – Cherese McClain, then Clerk McDaniel will put it in your City Fees Schedule. Then it will be up to Lonnie and the City to determine if you will use it or not, but at least now you've got a Fee Schedule and Administrative Fee in case of any violation. Lonnie Chambers, and this is separate from the other stuff that we're going to be bringing before the Council. Cherese, there's a Statutory Statute by Law Fee and then this is a we are slapping them locally because they're messing with the wastewater system. Does that make sense? So they are two different wacks on the knuckles if you will and this one is administrative. Then there is a Statutory, if you violate the Clean Water Act and the Wastewater Regulations that the City is mandated to enforce, that's a separate fee. This was really meant to be kind of almost a shock collar, like stop it. But there is another fee by statute that is set that the City can not necessarily enforce. Does that help?

7:30:05 PM – Layna Hafer, I just question why it got pulled out. Cherese McClain, because it's a public hearing. Lonnie Chambers, the reason all of it's together is because it is all together in the Manual. You have to site this code in that, you have to let the State know where are you getting this information. The reality of it is is they are still two separate things even though they are in the same document, they are going to do different things. This one is City Code, this one is a fee that if you don't want to clean your grease trap it gives the City something we can go out and say...Layna, Lonnie you have explained this, you both have. Cherese, Lonnie and I have spent a lot of time on the phone together and emails so the fact that you guys are a little boggled is...I told Lonnie I had to sit in my conference room and pull out all three of them in a calm place and figure this all out.

7:31:02 PM – Layna Hafer, I'm not questioning the process or the understanding. Usually when we do the resolutions we have something that we're approving a resolution with that item. Cherese McClain, I thought we had a fee resolution but we don't. Layna, but we don't, I was just questioning why we were doing it separate. Cherese, if you're not comfortable why don't you just table it and we can throw it in to the next one, you guys just had to have a public hearing. Layna, I would like just because it's what we do for consistency, to go ahead and have the resolution come in a paper form to us. Cherese, it's going to have a little table that says pool fees and I thought that I had already provided that. I will make sure you guys have that in front of you next time. No worries Clerk McDaniel and I will take care of it. Layna, it's OK just consistency and not just taking a document and taking a piece out of it

and saying we're making that resolution. Cherese, as long as you've accomplished the public hearing, then that's what we need to do. Layna, we will be thoroughly educated when it comes time to approve it.

7:32:27 PM

Motioned by Layna Hafer and seconded by Mike Hopkins to table Resolution #676 and have it presented at the next Council Meeting.

7:32:40 PM

AYES: Layna Hafer, Larry Hogg, Cliff Barberis, Alicia Fowler, Mike Hopkins and Sterling Blackwell

NAYES: None

ABSTAINED: None

MOTION CARRIED.

RESOLUTION #677 INCREASE IN SWIMMING POOL FEES – Action Item. 7:32:48 PM

Mayor Hibberd stated that Ken Anderson our Recreation Department Director was suppose to be here tonight but he had a conflict with a volleyball game in his official duties. Since Ken and I were the ones who talked about this and put it together I will be the one presenting. Ken came to me about a month ago and said that he was having extreme trouble getting life guards to commit for this next season and it was all because of pay. The City was paying a whopping \$7.50 for beginning life guards. To let you know life guards have to go to training which they pay for themselves and put in the time and effort and then get \$7.75 for their troubles, they were finally saying no. What we did, we went through and did an analysis with the number of hours at the different positions. We have life guards, we have head life guards, and we have the manager and they're all paid different amounts which is listed on your handout. The blue section shows the total number of hours and what the wages are. What we did was increase the wages for the Pool Manager to \$12.50, the Head Life Guards to \$11.50, and the Life Guards to \$10.00. That increased wages by \$6,700.00. We then went back through and guesstimated pool usage by our different fee categories and increased the amount of the fees by each of those categories to come up with an amount that covered that wage increase. Currently the Swimming Pool loses between \$20,000.00 and \$30,000.00 a year, but it's something that we feel like is a benefit to the community so the City is willing to do that, but we'd like to not lose anymore than that. To increase the fees it would bring in about \$7,700.00. The amount we would be paying out in wages would be about \$6,700.00, but then every year a life guard comes back we increase their wages by .25 cents so it would help cover that and help cover some future expenses. With that background:

7:37:00 PM – IN FAVOR OF PROPOSED FEE INCREASES: None.

7:37:06 PM – NEUTRAL COMMENTS: None.

7:37:11 PM – OPPOSITION TO PROPOSED FEE INCREASES: None.

7:37:16 PM – The Public Hearing was closed and the City Council Meeting was opened.

7:37:22 PM – Mayor Hibberd, we don't have a written resolution in front of us but time is of the essence on this in getting back with the life guards. Basically we told them we were looking at this, we would like to confirm this with the life guards. So I am asking for your approval on this tonight.

7:37:51 PM – Larry Hogg, do we need to just approve the fee increases? Mayor Hibberd affirmed.

7:37:58 PM – Sterling Blackwell, for Resolution #677? Clerk McDaniel affirmed.

7:38:05 PM – Larry Hogg, it's kind of hard to have a Swimming Pool if you don't have life guards. Sterling Blackwell, no it's not, it's just not safe. Mayor Hibberd, well, it's just that you can't open.

7:38:18 PM – Larry Hogg, so in our motion since we don't have something written down do we need to list all these? Can we say as presented here? Cherese McClain, I'm a little baffled because it's weird you guys should have had a resolution in front of you for both of these hearings, but no you can just approve the fees, we'll get the Resolution. Cliff Barberis, which is just to approve Resolution #677? Cherese, if that's what's in front of you, I don't have it. You should have had a table with the fees listed on it. Cliff, we have a table. Layna, but we don't have a resolution. Cherese, nonetheless, the whole point is are you approving the cost. Cliff, the pay raise. Cherese, that's it. Larry, again we're just approving the fee increases? Cherese, right. We can get you a resolution at the next meeting to just sign off and confirm it, but as long as you are OK with the cost change you can do that this evening so

the Mayor can make sure that Pool gets going.

7:39:41 PM

Motioned by Sterling Blackwell and seconded by Cliff Barberis to approve the increased fees as outlined in Measure #677 as proposed.

7:39:52 PM

AYES: Alicia Fowler, Layna Hafer, Mike Hopkins, Sterling Blackwell, Cliff Barberis and Larry Hogg
NAYES: None
ABSTAINED: None
MOTION CARRIED.

GENERAL BUSINESS:

APPOINT LARRY HOGG AS CITY COUNCIL REPRESENTATIVE FOR NEGOTIATION WITH WEISER RURAL FIRE DEPARTMENT FINANCIALS – Action Item. 7:40:18 PM

Mayor Hibberd, we had negotiated with the Rural Fire Department that each year during the budgeting process that the City would have a City Council Member there to express the City's point of view on some of the expenses just as a check. Anyway I would like to appoint Larry Hogg as that City Council representative.

7:41:09 PM

Motioned by Mike Hopkins and seconded by Sterling Blackwell to approve the appointment of Larry Hogg as the Council Representative for Negotiations with the Weiser Rural Fire Department

7:41:21 PM

AYES: Layna Hafer, Larry Hogg, Cliff Barberis, Alicia Fowler, Mike Hopkins and Sterling Blackwell
NAYES: None
ABSTAINED: None
MOTION CARRIED.

CHERI GORDON'S TEMPORARY “CAT SHELTER” LOCATED AT 738 W. GALLOWAY – Action Item. 7:41:43 PM

City Attorney Cherese McClain gave a public summary concerning the Cat Shelter at 738 W Galloway. It came to the City's attention last fall that there was a group or individuals that were harboring an excessive amount of cats, in excess of six which is what is currently allowed in City Code. It was basically an attempt to rescue them, very good intentioned. That groups idea was to find unused Commercial property to relocate to, but that was outside Land Use Codes of building to do so. The City has made great efforts in going all the way through to Ordinance Amendments to try to assist them and allowing that kind of facility at least temporarily. Since they have been in violation of code there has been conversations with that group throughout the last six months, I would say. Knowing that they are not in any kind of compliance with City Code, they have to many cats, but in an effort to try to find a solution, everyone's basically made a great effort to try and find one. Since then it's my understanding that the group has kind of fractured off and gone in a couple different directions. I don't exactly know where it's at now particularly, but there was an excessive amount of cats way beyond what the City Code currently allows. Basically we've been running around trying to find a joint resolution, and we haven't found one.

7:44:36 PM – We recently learned, as of I think today or yesterday that the individual that originally took in all of these cats has confirmed that she would be able to reduce her amount of cats to six, which is allowable under City Code. My suggestion as the City Attorney's Office is, we can give a reasonable amount of time, that we have given a lot of a reasonable amount of time and we do need to do some sort of enforcement action if it doesn't get satisfied in the near future. But, given the recent turn of facts, and I say recent like in a matter of hours, I do seek guidance from you guys as to how you want to proceed. She has been given a notice of violation or a citation of sorts from I believe the Police, that's kind of where we are at. We had a whole bunch of cats, now it looks like they've managed to re-home or find places, I know the Humane Society was in contact with them. Now, the last communication I've received is that she's able to get down to six cats. It's up to you guys, but I do think that we have City Code for a reason and if she can't get into compliance I would suggest you either change it, like you considered or you enforce it. I'm not trying to be to draconian, I'm just trying to be

fair. This is because, you are the third city our firm has worked with that has had an excessive amount of dogs or cats in locations that don't comply with their codes and it's becoming more prevalent and I have no idea why, but it is. I would not suggest that the City proceed without enforcement. But I also am a bleeding animal heart lover, so I get the struggle that some might have as well. The facts are so new, newer than 48 hours ago when we had an Executive Session on this. So, publicly I guess it should just be made known that the City has worked tirelessly to try to get this thing resolved and wants to get this resolved but we're kind of running against the wall a little bit. Mr Mayor I turn it over to you and the Council at this point. If there is any more points of clarification you want to make please do so.

7:47:29 PM – Sterling Blackwell, just to clarify, it wasn't an executive session that we had, it was a committee meeting. Cherese McClain, I apologize, it was a committee not a quorum, and thank you.

7:47:49 PM – Layna Hafer, and then a clarification too, that this isn't a decision making item. We are just here, the temporary extension is up. This was informational, really we don't have to do anything it's just that the extension is over and now it's the City's role to do what needs to be done.

7:48:14 PM – Cherese McClain, it is and it isn't though madam, because the City has gone above and beyond it's city code and allowed this to occur. So at this point it's a prosecutorial matter and so while it's not quote, "an action item," I would encourage that, please advise your prosecutor's and who you want to enforce this thing because you guys have give two ninety day extensions at this point. Again, I am a true animal lover, but at some point this needs to be taken care of. As I understand it, this individual has been able to re-home these cats so she can reduce it to six which is wonderful. I'd love for her to get under city code, but I urge you guys as a recommendation to not let this thing fester any longer.

7:49:11 PM – Larry Hogg, Cherese is it your understanding that she is in compliance with the city code at this time? Cherese McClain, I don't know, no, I do not have the facts to confirm that. Given what I've heard, she's really close, so that's great. But I can tell you that we dealt with almost fifty dogs in Mt Home and are currently dealing with twenty plus dogs in Greenleaf and the cities have done the same thing you guys have done, they've bent until they basically should be broken and unfortunately it never ended the way we wanted the sunshine to end. Cherese then shared findings from other situations where individuals had severely exceeded the number of animals allowed and where the cities had tried to be very good stewards to their fellow citizens and it's animals. We have not found good resolutions, animals have had to be removed for health and safety reasons for both the animals and whomever is residing in that property. It's a really interesting situation that this is becoming prevalent. I'm not trying to do a doomsayer discussion because I just learned of the fact that this individual might be getting herself down to city code compliance, but there has been a large amount of cats housed in a place that is not allowed to be housed in the City jurisdiction. Does that make sense? That's all I have to report, I don't know if you planned for our office to be the enforcement officers or whatnot, but we're kind of at that point, I would suggest, if not you may run into these types of issues in the future.

7:51:17 PM – Larry Hogg, this individual has had over seven months to comply with the law from the time the police served her and then we gave her six months to comply. Frankly, just my opinion that we should be done, she needs to comply with the law just like every other citizen in our community does and I don't think we should consider any further extensions. At this point if that time is up, that time is up and we need to enforce our law.

7:52:23 PM – Cherese McCain, I will say Mr Mayor and Council, from our experience thus far, because you are city number four at this point, we got one down in southeast Idaho as well, the reason it exasperates itself is because they don't spay or neuter the animals. That's when the number starts at nine and becomes forty-five. That is where we go oh it's only nine just drop it to six. It's only twelve, if we can get it down to here. The animals continue to breed because they're not being spayed or neutered and that's when you end up with these crazy forty and fifty animals all in the same place situation, it's very unfortunate, but that's what we've been finding. You guys are exactly in the same boat that I've experienced at the other cities, you hold off and you hold off, like just get them down there and it doesn't happen, it just actually keeps increasing. It's really up to you guys, I understand quote it's not "an action item," but it kind of is, because it's already a prosecutorial item. This was more of an update for you guys. Our office certainly won't do anything until we get someone to point us in a direction, but my recommendation is if this does not rectify itself in the extreme near future it probably needs to be rectified in a different way.

7:54:09 PM – Mayor Hibberd, I would recommend to the Council that you let the Mayor's Office handle it from this time out, since the time has expired.

7:54:23 PM – Layna Hafer, we can't really do anything.

ADJOURNMENT – Action Item. 7:54:29 PM

Motioned by Sterling Blackwell and seconded by Larry Hogg to adjourn.

7:54:40 PM

AYES:	Layna Hafer, Larry Hogg, Cliff Barberis, Alicia Fowler, Mike Hopkins and Sterling Blackwell
NAYES:	None
ABSTAINED:	None
MOTION CARRIED.	

THIS SPECIAL CITY COUNCIL MEETING WAS ADJOURNED AT 7:54:41 PM

Randall Hibberd, Mayor

Natasha McDaniel, City Clerk