

**CITY OF WEISER  
CITY COUNCIL MEETING**

55 West Idaho Street

Weiser, ID 83672

Tuesday

**OCTOBER 15, 2024**

7:00 pm

**Call to Order 7:00:34 PM**

**ROLL CALL**

**PRESENT:** Herb Haun, Larry Hogg, Sterling Blackwell, Mike Hopkins, Marg Chipman and Katie von Brethorst

**ABSENT:** None.

**STAFF:** Randall Hibberd, Natasha McDaniel, Mike Campbell, Margaret Taggart, Dave Loos, Bill Taylor, Mike Shepherd, Ron McDaniel, Keilan Phillips, Bryan Downing, Troy Krahn, Delaine Singleton and Sherri Breaux.

**Guests:** Cody Smithies, Nancy Grindstaff, Lyndon Haines, Taylor Downing, Teagan Phillips and Ginger Taylor.

**Invocation was given by Reverend Lyndon Haines. 7:01:07 PM**

**Pledge of Allegiance was led by Ginger Taylor. 7:01:53 PM**

**Commission Reports/Committee Reports:**

**7:02:26 PM** - Marg Chipman, Library Report. Marg gave the September Library statistics report. On November 24<sup>th</sup> Megan Overgaard will do a presentation about Bask Culture.

**7:03:38 PM** – Sterling Blackwell, Economic Development Task Force Report. With a new director in place, they will be re-introducing the Task Force to the Community. They are contacting Maverik to see if they are still interested in doing the third sign and discussing how they will maintain the grounds around that sign. Main Street, they purchased the second half of the flowerpots and are hoping for a grant.

**7:05:07 PM** – Sterling Blackwell, Architectural Preservation Committee Meeting report. The Train Depot is working on a Christmas event. Their 503-C has been officially approved, now they can pursue grants including the America 250 grant which they are hoping to do museum in the streets from. The Eaton Depot work is almost complete.

**7:06:36 PM** - The County/City of Weiser Preservation Commission Report. They are working on a historic preservation plan called the Mitigation Project. The Dixie Creek Bridge had to be torn down, as a part of that a mitigation was given, \$60,000.00 went for a new roof that Cambridge needed and \$20,000.00 went to the Preservation Committee who is using it to create a historic preservation plan, it will take about a year to complete that. It is an important step in moving forward with the historic district creation.

**7:07:34 PM** – Sterling Blackwell, Public Services Committee met with Fry Foods, they will be coming to us with their permanent renewal. We approached them and they graciously agreed to the things we asked them to do.

**7:08:19 PM** – Mike Campbell added that the roof is done at the library.

**7:08:33 PM** – Larry Hogg notified the Council that the S.R.E.D.A. annual meeting is next month, and he will get specifics for those interested. Larry invited and encouraged all who could to attend.

**Department Reports** were presented by Clerk McDaniel. **7:09:36 PM**

**7:13:47 PM** – Larry Hogg, what does PAWG stand for? Mike Campbell, Payette, Ada, Washington and Gem County. Larry, is Ole’s Tavern on city water service? Mike, they have been on city water since 1970.

**MINUTES 7:14:41 PM**

**Motioned by** Sterling Blackwell and seconded by Marg Chipman to approve the minutes of one (1) Regular City Council Meeting on September 9, 2024, one (1) Special City Council Meeting on September 23, 2024, and one (1) Special City Council Meeting on September 30, 2024, as presented and place them on file.

AYES: Herb Haun, Larry Hogg, Sterling Blackwell, Mike Hopkins, Marg Chipman and Katie von Brethorst.

NAYES:

ABSTAINED:

MOTION CARRIED.

**BILLS 7:15:12 PM**

**Motioned by** Mike Hopkins and seconded by Katie von Brethorst to approve the bills as reviewed by the Finance Committee and present them to the Treasurer to have warrants drawn for payment.

ROLL CALL VOTE:

AYES: Mike Hopkins, Katie von Brethorst, Larry Hogg, Herb Haun, Marg Chipman and Sterling Blackwell.

NAYES:

ABSTAINED:

MOTION CARRIED.

**UNFINISHED BUSINESS:** None.

**NEW BUSINESS:**

**BRYAN DOWNING AND KEILAN PHILLIPS LHTAC PRESENTATION. 7:16:08 PM**

Mayor Hibberd called Bryan Downing and Keilan Phillips forward. Lisa Popoff, Federal-aid Engineer with LHTAC congratulated Bryan and Keilan for completing the 80 hours and 11 class LTAC Road Scholar Program. Lisa then presented them with a hat, engraved leatherman tool and a plaque.

**EXECUTIVE SESSION IDAHO CODE 74-206 (1)(F) COMMUNICATION WITH LEGAL COUNSEL PENDING LITIGATION – Action Item. 7:18:13 PM**

**Motioned by** Sterling Blackwell and seconded by Herb Haun to adjourn into Executive Session under Idaho Code 74-206 (1)(F) Communication with legal counsel pending litigation.

**7:18:45:PM**

ROLL CALL VOTE:

AYES: Larry Hogg, Herb Haun, Marg Chipman, Sterling Blackwell, Katie von Brethorst and Mike Hopkins.

NAYES:

ABSTAINED:

MOTION CARRIED.

**Council adjourned into Executive Session at 7:18:58 PM**

**Council came out of Executive Session at 8:14:35 PM**

**APPROVE AND AUTHORIZE THE MAYOR TO SIGN JUB HISTORICAL PRESERVATION AGREEMENT – Action Item. 8:14:45 PM**

Clerk McDaniel, this is a contract with JUB for professional services in the amount of \$20,000.00. This is authorizing the mayor to sign this contract. We would retain the money and JUB would invoice as needed. Mayor Hibberd asked if this was in our budget? Clerk McDaniel affirmed.

**8:15:40 PM** – Sterling Blackwell, is it normal for us to have in the contract that we are not allowed to reuse without written consent from JUB even though we are purchasing this plan? Sterling directed city attorney Reece Hrizuk to page 3 of the contract. After a brief review Mr. Hrizuk suggested that the Council continue the meeting while he continued his review.

**8:29:38 PM** – Returned to this item. Clerk McDaniel, I think what we want to do is table this item and give our attorney a chance to really dig in and read the verbiage and ask JUB questions. Reece Hrizuk, I think there are a few things in here that are worth trying to change. I just recommend we table it; I'll go through and edit this and send it over to them to see if they will compromise.

**8:30:08 PM** - Herb Haun, how important is it that we get the money available? Clerk McDaniel, we have already received money, it's just getting started on the project of the plan.

**8:30:57 PM** – **Motioned by** Marg Chip and seconded by Katie von Brethorst to table the authorization for the mayor to sign the JUB Historical Preservation Agreement.

AYES: Herb Haun, Larry Hogg, Sterling Blackwell, Mike Hopkins,  
Marg Chipman and Katie von Brethorst.

NAYES:

ABSTAINED:

MOTION CARRIED.

**WATER DEPARTMENT LEAD AND COPPER UPDATE – Bill Taylor and Mike Shepherd. 8:18:08 PM**

Bill Taylor, Water Department supervisor, we just wanted to give the Council a heads-up on what is going on with the new lead and copper inventory that we had to submit to EPA by October 16<sup>th</sup>. We had to know what the service line from the main to the meter and from the meter to the house was for all 2,500 water meters. Once we had that inventory and identified the ones we know, there are still over 1,200 unknowns. The unknowns will receive a letter that says there might be some lead in there. Bill then turned the update over to Mike Shepherd.

**8:19:09 PM** – Mike Shepherd, lead operator at the Water Department. Mike gave Council an informational handout with timelines, what the EPA rules say we have to do. Mike explained that there are a couple of issues in Weiser, good and bad. He gave a brief explanation. We sent out a survey in the bills and got a phenomenal response, however, unless we know what's on the city side and the customer side, we still have to mark it as unknown. We have the inventory due tomorrow completed and submitted. The next item is sending out letters to the 1285 unknowns. Out of those 733 we do not know yet, 533 we know the city side and we've managed to get the customer side down to 22 using the hundreds of surveys we got back. This will be an ongoing process; we will have to send this letter out every year to the people who we have not resolved this with, this could take up to a decade to complete. There is some monitoring we will have to do, we just wanted Council to know where we are at with this. Mike gave the council a copy of the letter that they will be sending out to the unknowns. Mike urged council members to call if they have any questions and requested the council to direct people with questions to the city website where there is information, resources and all the compliance documents we are required to send in.

**8:22:50 PM** – Larry Hogg, so what happens if we as customers do not comply? Mike Shephard, we have no recourse whatsoever. There are provisions for all the contingencies here. We know there are no lead lines out there, we just have to prove that. Bill Taylor added that in our sampling (20 per year, every 3 years) we have not had any detectable amounts of lead. Mike, because of the federal rule we now have to do 80 samples a year for the next three years. These samples are \$40.00 each so we had to increase that budget line item.

**8:24:51 PM** – Larry Hogg, so it saves us money and time if customers comply and send in the survey? Mike Shephard affirmed. If we don't get definitive answers on this, the next step is we have to start digging.

**APPROVE POLICY – AUTHORITY TO TAKE PERSONEL ACTION OF APPOINTED OFFICERS – Action Item. 8:27:23 PM**

Sterling Blackwell asked if this was a new policy. Mayor Hibberd, it has been in place before. Clerk McDaniel, I believe the only change made was that the wording in the old policy that stated “The Mayor, has the authority to take personnel actions regarding Appointed Officials, including counseling, demotion, dismissal, suspension, or dismissal...” In the new policy it says, “The Mayor, with City Council approval...” The only other change is that the Council can act without the mayor's approval.

**8:29:22 PM - Motioned by** Larry Hogg and seconded by Sterling Blackwell to approve the Authority to Take Personnel Action of Appointed Officers policy as written.

AYES: Herb Haun, Larry Hogg, Sterling Blackwell, Mike Hopkins, Marg Chipman and Katie von Brethorst.  
NAYES: None.  
ABSTAINED: None.  
MOTION CARRIED.

**8:29:29 PM** – Clerk McDaniel, the attorney is OK to jump back to item 3, the JUB Historical Preservation Agreement.

**FIRE DISTRICT BUDGET OVERAGE FOR FY2024 – Action Item. 8:31:19 PM**

Mayor Hibberd, we have had some discussions already, are there any comments or questions? Herb Haun asked Mayor Hibberd if he could restate the amount we are talking about. Clerk McDaniel didn't have the exact amount. Mayor Hibberd, it will be the billed amount.

**8:32:07 PM** – **Motioned by** Larry Hogg and seconded by Sterling Blackwell to approve the payment of the August and September 2024 Rural Fire District billings as sent to us.

ROLL CALL VOTE:  
AYES: Herb Haun, Katie von Brethorst, Sterling Blackwell, Larry Hogg, Mike Hopkins and Marg Chipman.  
NAYES: None.  
ABSTAINED: None.  
MOTION CARRIED.

**FIRE DISTRICT BUDGET FY2025 – Action Item. 8:32:44 PM**

Mayor Hibberd, this is to raise the City's Fire District Budget with fire services to match the Fire Districts budget. City attorney Reece Hrizuk, you can move the procedure draft into an adopted resolution if Council so desires.

**8:33:40 PM** – **Motioned by** Herb Haun and seconded by Sterling Blackwell to increase our Fire District budget and make a resolution to say we’ve done so.

ROLL CALL VOTE:

AYES: Katie von Brethorst, Sterling Blackwell, Mike Hopkins, Marg Chipman, Larry Hogg and Herb Haun.

NAYES: None.

ABSTAINED: None.

MOTION CARRIED.

**CONSIDER GARBAGE TRUCK QUOTE – Action Item. 8:34:19 PM**

Mike Campbell requested the Council’s approval to buy a 2025 Heil garbage truck from Northwest Equipment Sales, Inc not to exceed \$385,000.00 out of this year’s budget. Discussion followed. We are replacing the 2006 truck.

**8:37:12 PM** – **Motioned by** Herb Haun and seconded by Marg Chipman to approve the purchase of a new garbage truck not to exceed \$385,000.00.

ROLL CALL VOTE:

AYES: Marg Chipman, Herb Haun, Katie von Brethorst, Mike Hopkins, Larry Hogg and Sterling Blackwell.

NAYES: None.

ABSTAINED: None.

MOTION CARRIED.

**CONSIDER BID FOR COMMERCIAL MANHOLE BID – Action Item. 8:37:39 PM**

Mike Campbell explained the reason he wanted to replace an old manhole at the same time another excavation company is doing previously approved work on E. Commercial Street. The \$11,980.00 just covers the excavation work, we are still waiting on the manhole. Mike further explained that these are all budgeted for items that were expected.

**8:39:11 PM** – **Motioned by** Sterling Blackwell and seconded by Marg Chipman to accept the commercial manhole bid from Stone Excavation LLC in the amount of \$11,980.00.

ROLL CALL VOTE:

AYES: Mike Hopkins, Sterling Blackwell, Larry Hogg, Katie von Brethorst, Herb Haun and Marg Chipman.

NAYES: None.

ABSTAINED: None.

MOTION CARRIED.

**CONSIDER GENERATOR QUOTE – Action Item. 8:39:38 PM**

Mike Campbell noted that we quoted this last year, and it actually came down in price. This is to replace the backup generator at City Hall. Clerk McDaniel added that during the last power outage we were unable to get the old generator started. Mike explained that the new generator will be able to operate the entire office, we will be able to stay up and running during an outage.

**8:41:38 PM** – **Motioned by** Sterling Blackwell and seconded by Larry Hogg to accept the Burke Electric bid of \$29,462.00 for the wiring, installation and purchase of a new generator for City Hall.

ROLL CALL VOTE:

AYES: Mike Hopkins, Larry Hogg, Herb Haun, Marg Chipman, Sterling Blackwell and Katie von Brethorst.

NAYES: None.

ABSTAINED: None.

MOTION CARRIED.

**PLANNING AND ZONING IMPACT AREA UPDATE. 8:42:44 PM**

City attorney Reece Hrizuk explained that Senate Bill 1403 requires that we have to have a new impact area established by the end of next year. One thing we have to do before we get into the code is we have to look at the impact area itself. That is something that P & Z usually does first. Mayor Hibberd, they are working on that. Mr. Hrizuk, there may be some adjustments to the current impact area. It is also a good time to look at the differences in code in the impact area, where the Commissioners had indicated they may be open to adopting certain provisions of our code in the impact area, that would require an ordinance from the Commissioners. What we would look at as we go through this is things we would like to see. It's also a good opportunity to clean up some failures in our code too.

**8:45:34 PM** – Mr. Hrizuk had prepared a packet that compared the City of Weiser Code to the Washington County Code side by side:

**Agricultural Zones:**

The city has two zones, (AR) Agricultural Residential and (AL) Residence District, Low Density-Single Family. In the County Code they have A1 Agricultural and A2 Agricultural Transitional. Differences, a lot of it comes down to what is allowed in residences.

**City AR Zone:**

1. It doesn't really get into the actual residences.
2. Contains things that may not make sense in an agricultural zone.
3. In a lot of these zones in the city code you will see police stations, fire stations and postal substations in areas where they don't make sense.

**County A1 Zone:**

1. You see agricultural businesses with some things allowed by conditional use.
2. There are more conditional uses in their agricultural zone than we have in city agricultural zoning.

Mr. Hrizuk – Typically in city zoning you're not necessarily looking at agricultural uses like you would be outside the city limits. This is something to keep in mind when the impact area is not yet in the city but could be in the foreseeable future. Will this be compatible if annexed into the city at a later date.

3. In the county you cannot rezone property until you can show that the land is not primary agricultural land. If you have agricultural zoning in the city, you can rezone it if that's what the council decides to do, and it meets the criteria. This is a big difference.

**8:49:33 PM** - Larry Hogg asked how you would prove land was or was not prime agricultural. Mr. Hrizuk explained the criteria Payette County uses. Mr. Hrizuk, that is something that should be developed by code.

4. The City has Setbacks, the County does not have setbacks unless adjacent to a residential A2 zone.
5. The County has a 35-foot height limit, the City is 45 feet.

**8:51:56 PM** - Mr. Hrizuk, there are definitely some big differences, you want to have something that is consistent. Maybe height wise we need to add another zone, there are some County zones that don't mesh with City zones very well.

6. County A1 Zones are prime ag land; they don't want houses there. A1 zoning in the area of impact may not make as much sense because these are areas that are supposed to grow. Should there even be an A1 zone within the impact area? This is a question that should be asked.

#### **City AL Zone:**

Mr. Hrizuk, it takes all the uses from the AR and then allows conditional uses.

1. Two family dwellings like duplexes or townhouses, that sort of thing. And again police stations, fire stations and postal substations.
2. Different lot area minimums and setbacks between City AR and City AL:
  - a. City AR – 5 acres minimum lot area, 45' height limit, setbacks denser than AL.
  - b. City AL – ½ acre minimum lot area, 35' height limit, closer to lot lines than in AR.
  - c. County A2 Agricultural Transitional – All uses allowed in A1, residential subdivision with lots one acre or larger. This makes more sense in an impact area.

Mr. Hrizuk, something to think about, County A2 has one acre lot minimum, and City AL has a ½ acre lot minimum. Is a ½ acre lot sufficient to have a septic tank with a drain field and a well when not connected to city services? Typically, you are looking at more like an acre to fit all that on there. This is an example where the city's code might not make sense because it's not practical to fit a house with a septic system and well on ½ acre. These are things to consider.

#### **RESIDENTIAL ZONES: 8:56:02 PM**

Mr. Hrizuk, the County does not have any Residential Zone, the closest thing they have is their A2 Zone. If they added in our zoning, they would have to add in quite a few zones.



City Residential Zones:

1. (A) Residence District, Low Density – Single Family. Suggested Changes:

- a. Conditional Uses: “similar uses to above” I would suggest removing that.
- b. Allowed Uses: if you have a subdivision and it’s all single family residential, it may not make sense to allow Police stations and Fire stations here, or at least push it into conditional use. You are potentially talking about sirens at all hours.
- c. The minimum lot areas are very small and will not work in an unincorporated area.

2. (B) Residence District, Medium Density - Single Family: **8:58:05 PM**

- a. Allowed Uses: Multi-Family doesn’t always make sense in an unincorporated area. For a duplex in the county, do you have two septic tanks or one that different owners have to share and come to an agreement? Same with a well. You may not want to have higher density residential in an impact area. You may only want a single family with a one acre lot or something like that. You can allow up to two family dwellings, so, duplexes and townhouses. You may think about ADU’s (Accessory Dwelling Unit), it may make more sense in the county where lots are larger.

**9:01:59 PM** – Sterling Blackwell, the minimum open space that we see throughout the residential as it continues to increase, this is the only place I’ve seen it, is that normal, and is it also something we would want to consider in our impact zone? Mr. Hrizuk, yes. Again, these small lots just will not work in an unincorporated area. Nobody will be able to build a house on 7200 sq. ft. and have a well and a septic tank. I don’t think a minimum space requirement is a bad thing to have in code, you might just draw out a lot with setbacks and the 60% minimum open space requirement and see if it is feasible to build on it. This is an opportunity to look all these things and see if anything needs adjusted.

3. (B1) Residence District, Medium Density – Single Family/Agricultural: **9:04:45 PM**

- a. There really isn’t much difference from (B) so do we even need to have this zone. Do we just want to allow 3 animals per acre in any zone and get rid of (B1)?
- b. Conditional Uses: If you have an area that is just duplexes and townhouses, does it make sense to allow an auditorium? If we are going to amend this, now is the time to look at changing some of that.

**9:06:51 PM** – Mr. Hrizuk, this is going to take a while, we have a little over a year, and we can take a little longer on the city stuff if we need to, but we need to have something to the Commissioner’s at least by the first quarter of next year. There has to be a public hearing, it has to go in front of their P&Z Commission for recommendation and we don’t want that all to be happening in the last quarter of the year.

**9:07:15 PM** – Mayor Hibberd, plus they are willing to work with us now, so we want to get it done as quickly as possible. Mr. Hrizuk, if it’s not in place by the end of next year, there is no impact area, at all.

**9:07:34 PM** – Sterling Blackwell opened up a short discussion on where we want our impact area to go. Mr. Hrizuk, you have to look at the factors in the code now, you can only go two miles then you have to look at anticipated growth, availability of utilities, transportation issues and other public service boundaries. Sterling added that he thinks auditoriums are in conditional use because educational institutions are allowed in (A), (B1) on a larger property, now a school could add an auditorium or stadium for sports, right? Mr. Hrizuk affirmed, adding that something to think about is that you might not want a post office in every zone or a police station.

**COMMERCIAL DISTRICTS: 9:09:47 PM**

Mr. Hrizuk, you may decide that's your central business district or you could do another zoning for just downtown. If you have downtown zoning, you might not want any setbacks because you want any new buildings to match the existing buildings. If you look at your setbacks and parking requirements, they are in complete contradiction with what you have in your comprehensive plan for what you want to see. That is where you could look at a special zone for downtown.

1. Minimum Lot Area and Setbacks for All Commercial:

- a. Minimum width 60 feet, 5-foot front setbacks, no side yards unless residential adjoining, then it's 10 feet and a 10% minimum open space. So, you cannot build a building that goes from lot line to lot line like you see now.
- b. You have a four-story height restriction not based on feet but on floors.

**9:12:38 PM** – Mr. Hrizuk, then you get into your Neighborhood Commercial, your Central Business District and then basically just your General Commercial Districts. Your Central Business District may be one that you turn into more of a downtown type of a thing, if that's what you want.

2. The County has two Commercial Zones C1 and C2.

- a. They don't have setbacks unless they are adjacent to A2 Ag Transition.
- b. Their zones are a lot more specific on some things that are allowed. In their C2 Commercial Zone they allow Mobile/manufactured home parks. This may be in some of the impact area, a mobile park is quite a thing to build when you're not on city services. That is something to consider in the impact area.

The decision was made to stop here and take this on one section at a time.

**ADJOURNMENT – Action Item. 9:16:14 PM**

**Motioned by** Katie von Brethorst and seconded by Sterling Blackwell to adjourn.

AYES: Herb Haun, Larry Hogg, Sterling Blackwell, Mike Hopkins, Marg Chipman and Katie von Brethorst.

NAYES: None.

ABSTAINED:                      None.  
MOTION CARRIED.

**THIS REGULAR CITY COUNCIL MEETING WAS ADJOURNED AT 9:16:23 PM**

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**Randall Hibberd, Mayor**

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**Natasha McDaniel, City Clerk**