

CITY COUNCIL WORKING SESSION

JANUARY 10, 2022  
203 Broadway Ave N

PRESENT:

Tom McCauley	Mayor	Autumn Jones	Treasurer
Michael Higbee	Council President	Regie Finney	Public Works
Pam McClain	Council Member	Jeremy Engbaum	Police Chief
Sue Gabardi	Council Member	Andrew Stevens	Fire Chief
Kelly Peterson	Council Member	Scott Bybee	City Engineer
Andrew Wright	City Attorney	Concerned Citizens	
Karen Drown	Clerk		

CONFIRMATION OF QUORUM:

Karen Drown confirmed a quorum.

CONSENT AGENDA:

1. Minutes of December 13, 2021 – Regular Meeting
2. Monthly Claims for Payment
3. Monthly Department Head Reports
4. Commission Minutes
5. Clerk Report
6. Treasurer Report

Sue Gabardi moved to approve the consent agenda. Kelly Peterson seconded the motion. There was no discussion and the motion passed.

ENGINEER REPORT:

Scott stated the ICDBG project is complete and detailed the infrastructure down Burley was done now so when the road project is scheduled the infrastructure is already complete. He noted there is still new housing starts and inquires on subdivisions. He noted the extra pipe will go to bid in the coming months.

SPECIAL BUSINESS

1. Swear in Elected Officials: Karen Drown issued the Oath of Office to Pam McClain as Mayor and Amanda Hawkins as Councilor. Both were elected to office through the November 2, 2021 elections.

2. Special Presentation of Thank You for Years of Service: Mayor McClain presented to Sue Gabardi a clock in honor of her seven years on Council. Mayor McClain presented to Mayor McCauley a clock in honor of his twelve years as Mayor for the City of Buhl.
3. **ACTION ITEM: Consideration of Appointment for Vacant Council Seat:** Mayor McClain recommended the appointment of Marla Sisson to fill the Council seat she just vacated after sixteen years. Mayor McClain noted Marla has been a library and planning & zoning board member. Michael moved to appoint Marla Sisson to fill the vacant Council seat. Kelly seconded the motion. There was no discussion and the motion passed.
4. Swear in Appointed Council Member: Karen Drown issued the Oath of Office to Marla Sisson as Councilor.
5. **ACTION ITEM: Election of Council President:** Kelly moved to retain Michael Higbee as Council President. Marla seconded the motion. Kelly noted Michael had done a great job in the meetings when the mayor was absent.
6. **ACTION ITEM: Election of Library Board Liaison:** Michael moved to appoint Marla as library board liaison. Kelly seconded the motion. It was noted where Marla had been on the board which would be good for the position. There was no further discussion and the motion passed.

#### PUBLIC HEARING:

Opened at 7:26 PM

Mayor McClain asked the applicant to make a statement. Bill Williams stated he didn't have any testimony to make.

She asked if there was any testimony in support of the application. There was none.

She asked if there was any testimony in opposition of the application. There was none.

She asked if there was any testimony neutral to the application.

Jeff Gabardi, Smalley Circle, Buhl, ID. Jeff presented information referring to the original map from 1979. He noted he was a friend of the original owner Shelby Williams, Bill Williams father. He presented for the record the original covenants from 1979. He noted those in Smalley Circle no longer abide by them, but they do provide an opportunity to set a standard. He detailed the history of the layout of Smalley Circle and how some were a lot and a half. He suggested a subcommittee to work through the details as he was hoping something similar could be put into place. Jeff noted other concerns such as the subdivision needs pressurized irrigation, storm water retention ponds, as there is only one small one in Phase 1, green spaces like a pocket park. The development is going to add 1/3 more population to Buhl and they will need consider they needs

of the citizens. He asked to erase areas after Phase 2 and look at bigger lot sizes to entice people to Buhl.

Bill Williams rebutted stating he appreciated Jeff's comments. He would like to erase some lot lines which are options in Phases 3-7 but cannot do much in Phase 2.

Scott stated the City of Buhl does not and cannot enforce covenants, which Andrew Wright confirmed. Scott noted the irrigation system has been discussed and is in the plans. Storm water plans to comply with state standards, the city can require more, the system includes underground facilities. The concerns about green space had been discussed with Bill and the developers and are in favor and looking at it. Scott stated he had done some measuring and the lot sizes are about 17% larger than previous subdivisions. He concluded that a number of these items had been discussed with WMC before and included in the Memorandum of Understanding, those include the HOA maintaining the irrigation system.

The hearing was closed at 7:44 PM.

#### REGULAR MEETING

#### CONFIRMATION OF QUORUM:

Karen Drown confirmed a quorum.

#### UNFINISHED BUSINESS

There was no unfinished business.

#### NEW BUSINESS:

Review and Consideration of Public Testimony for WMC Partners, LLC – Harvest Hills subdivision final plat for Phase 2: Michael moved to approve Phase 2 of WMC Partners, LLC – Harvest Hills subdivision final plat for Phase 2. Kelly seconded the motion. Michael noted he hope they would consider green space and the fact that people do want bigger homes and lots. He understands this is Phase 2 which is more the front of the subdivision. Marla's concern also looking at green space when moving forward on other phases. There was no further discussion and the motion passed.

Review and Consideration of Planning & Zoning Board Re-appointment: Kelly moved to re-appoint Barbara Gietzen to the Planning & Zoning Board. Marla seconded the motion. Scott noted Barbara has served for many years and Idaho State Code 67-6504(a)(3) slowed her to be reappointed after those two terms. There was a discussion about the process for finding new board members. There was no further discussion and the motion passed.

Review and Consideration of Highway 30 Agreement and Resolution: Regie informed Council the project would be \$451,000 with \$150,000 from the city and \$301,000 for the State of Idaho. He is hoping to go to bid in February and try to bid the TAP project together to have a better package to bid. The engineering is complete and the property is done. Any increases in costs have also been figured into project. Michael moved to approve the agreement with the Idaho Transportation Department. Marla seconded the motion. There was no further discussion and the motion passed.

Michael moved to adopt Resolution No. 422 for the agreement for the upgrade to Highway 30 from a three-lane section into a five-lane section near Clear Lakes Road. Marla seconded the motion. There was no discussion and the motion passed.

Review and Consideration of Metropolitan Planning Organization (MPO) for the Magic Valley: Karen explained the Metropolitan Planning Organization was a requirement for the City of Twin Falls and City of Kimberly based on numbers from the 2020 Census. After a discussion between Travis Rothweiler and Mayor McCauley it was explained there isn't an affect or requirement for the City of Buhl to opt in at this time. Michael moved to opt out of the MPO. Kelly seconded the motion. Regie stated he will stay apprised of the plan through his Greater Twin Falls Transportation Committee. There was no discussion and the motion passed.

Discussion of Impact Fees: Karen summarized the presentation from the December 13<sup>th</sup>, 2021 Council meeting when the option to consider charges impact fees was first presented. She detailed what departments could consider impact fees and the process to determine what those could be. The grey area in this process is the City of Buhl is in the preliminary discussions with Twin Falls County regarding the City of Buhl Area of Impact which currently the City of Buhl collects building permit fees for building applications. Which would require the City of Buhl collecting fees for the Buhl Rural Fire Protection District. Karen concluded that the Area of Impact Agreement needs to be considered first and then the Impact Fees could be considered.

Discussion of options for Fire Department Station: Andrew Stevens noted the fire district wants to build a building on their own, all their money will be tied up in a building. He is recommendation would be option 3, but with that option the district is looking for help from the city. He added he would not be purchasing equipment they don't need and there is no set time to spend the matching funds. He concluded option 3 would be a good faith commitment that the city would buy the equipment.

Kelly stated during his tenure he has not seen good faith from the district. The Joint budget has had a study budgeted and the district went another way on their own. Kelly recommended looking at the Joint Management Agreement from the start and feels the city has been blind

sighted. Michael also noted the joint board made progress to approve a budget for studies but thought the city should protect ourselves and look at studies for ourselves.

Kelly stated it had been requested time and time again for minutes from the district and none had been received; He is sorely disappointed with the district.

Mayor McClain asked Andrew Wright to review the legalities of the three options that were presented.

Mayor McClain stated she felt the JMA group was going in circles and someone might shoot off. We need to change with the times as this has been going on for years. She also added the minutes the city has received are not whole minutes. Michael added not getting the minutes and information but it is scary to have that management possibility for the citizens with in the city.

There was a review of updated levy rates to the current numbers. Michael noted the district cannot charge their full levy rate because of their saving account balances. He noted at the last meeting he got defensive when Mike Ruffing raised his voice and turned red about Michael questioning the tax rates.

Kelly concluded there are a number of other costs to the city that support the fire department for example the police department flagging cars at a scene.

Karen confirmed five items that were requested for the upcoming joint meeting. Those were impact fees, station options, levy rates, review of the JMA and district minutes to the City Clerk.

COUNCIL CONCERNS – Kelly wanted to thank Regie and his crew for all their work on the snow mitigation. Regie noted that patching had taken place this same day on Clear Lake Road, Main and Broadway.

CITIZENS CONCERNS – There were none.

MEETING ADJOURNED – Michael Higbee moved that the meeting be adjourned; Kelly Peterson seconded the motion and all were in favor. The meeting was adjourned at 9:05 PM.

Minutes prepared by Karen Drown, City Clerk