

CITY COUNCIL REGULAR MEETING

JANUARY 8, 2024  
203 Broadway Ave N

PRESENT:

Pam McClain	Mayor	Autumn Jones	Treasurer
Michael Higbee	Council President	Jason Scott	Public Works Director
Kelly Peterson	Council Member	Jeremy Engbaum	Police Chief
Amanda Hawkins	Council Member	Scott Bybee	City Engineer
Marla Sisson	Council Member	Andrew Wright	City Attorney
Karen Drown	Clerk	Concerned Citizens	

PLEDGE OF ALLEGIANCE

CONFIRMATION OF QUORUM:

Karen Drown confirmed a quorum.

Kelly moved to amend the agenda to add Special Business item #2 Election of Council President. Amanda seconded the motion. Michael questioned the reason this item was not on the original agenda. Karen confirmed it was found on Friday, January 5, 2024 that it had been missed on the original posting. There was no further discussion. There was a roll call vote on the motion. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed.

CONSENT AGENDA:

1. Minutes of December 11, 2023 – Regular Session
2. Claims for Payment
3. Monthly Department Head Reports
4. Commission Minutes
5. Clerk Report
6. Treasurer Report

Marla moved to approve the consent agenda. Michael seconded the motion. Kelly questioned a claim for payment in the police department about the replacement of a door. Chief Engbaum noted that a resident's door had been replaced by the city and one by the county sheriff and this was a county call that city police was assisting on. Michael questioned the location for the O'Reilly's Auto Parts that was discussed at the last meeting. Jazmine confirmed the annexation was for the RV park area and then a lot line adjustment to join it with the location of the car wash which would become the store location and parking lot. Amanda questioned if the city

always pays when a door is kicked in. Chief Engbaum stated it was based on advice of the city attorney to pay for the door as it was confusion with properties being properly addressed; and in this case two properties with the same address. There was no further discussion. There was a roll call vote. Michael voted yes, Amanda voted yes, Kelly voted yes, and Marla voted yes. The motion passed.

#### MONTHLY CITY ENGINEER REPORT

Scott stated he will be submitting plans to DEQ on the Fair project. It includes a 12” mainline and is part of the URA. The URA board is analyzing and reviewing the downtown area for a potential new URA district. The National Cemetery had been in contact as they had troubles with their water system but it had been quiet during the holidays. He noted they would cover the cost of a 12” mainline out to the property. Scott also noted that staff has started the water study with JUB and it will be approximately an 18-month process.

Michael question if the National Cemetery was ok if other services were put in the trench. Scott stated they had previously discussed a sewer mainline also but exact plans hadn’t been presented. The mainline water would tie in by the city property and the fire hydrant.

#### SPECIAL BUSINESS

Swearing in of Council members Marla Sisson and Kelly Peterson: Mayor McClain swore in Marla Sisson and Kelly Peterson. They were presented their Certificate of Election.

Election of Council President: Marla moved to nominate Michael as Council President. Kelly seconded the motion. Michael noted this would be his last year; it would be someone else’s turn. Marla stated she appreciated his guidance in the roll. There was no further discussion. There was a roll call vote. Amanda voted yes, Kelly voted yes, Marla voted yes, and Michael voted yes. The motion passed.

#### UNFINISHED BUSINESS

There was no unfinished business.

#### NEW BUSINESS:

Review and Consideration of Catalpa Street Vacation Ordinance: All members of the City Council having been furnished a copy of the proposed Ordinance No. 2024-1 and being fully apprised of the content and purpose of said Ordinance, Michael moved that the provisions of Idaho Code Section 50-902 which require that said Ordinance to be read on three (3) different days, two (2) readings by Title only and one (1) reading which shall be in full, be dispensed with and that said Ordinance be passed upon one (1) reading by title only. Michael requested a roll call vote on the motion. Marla seconded the motion. There was no discussion. There was a roll

call vote. Kelly voted yes, Marla voted yes, Michael voted yes, and Amanda voted yes. The motion passed.

Michael moved to approve Ordinance No. 2024-1 vacating Catalpa Street. Marla seconded the motion. Mayor McClain read the title. Kelly questioned if there were any utilities in this area; Jason confirmed there were no utilities. There was no further discussion. There was a roll call vote. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed.

Review and Consideration of Burley Ave School Zone & Speed Limit: Jason presented to Council his recommendation for a school zone on Burley Ave. He stated under advice of LHTAC to bring this before Council. He noted the city had received complaints from citizens and there is a bus stop at Calvary in the afternoon. Marla asked if the school zone speed limit would be school times or all the time and wondered if it would be just regular signs. Amanda questioned if the signs would state “when children are present.” Jason noted speeds had been recorded at 50-60 mph on the west end. It was noted there is enforcement in the area. The school zone recommendation is from west of Milner to Robertson with a cross walk at Milner and ADA corners would happen with the Burley Ave project.

Marla moved to approve to the Burley Ave school zone with a 20-mph speed limit. Amanda seconded the motion. There was a discussion and Marla amended her motion to include when children are present. Amanda approved the second of the motion amendment. There was no further discussion. There was a roll call vote. Michael voted yes, Amanda voted yes, Kelly voted yes, and Marla voted yes. The motion passed.

Review and Consideration of Clearwater Financial Addendum #1 to Master Service Agreement for Police Building Upgrade Project Scope: Kelly moved to accept Addendum #1 to the Master Service Agreement with Clearwater Financial. Marla seconded the motion. Michael questioned on how it came about to use Clearwater Financial. Autumn explained Clearwater Financial was retained as the city’s fiduciary advisors. This scope of work had developed from the work that Chief Engbaum had done on building layout and quotes from contractors; it was noted security for IT is being reviewed as there is only one company that is certified by SIRCOMM. Autumn continued to explain Clearwater Financial has access to staff to help if needed on this project such as an architect, and they have experience in the bid process. Discussions had taken place with looking at future plans and the need for growth in the future. Autumn also explained there are questions that have come up in this process if contractors will need to be fingerprinted, if the officers can help do some of the work; which Clearwater recommend not to as contractors will have warranties and the work comp coverage for any potential injury to an officer. It was noted this addendum for the service under the scope in exhibit A is \$10,000. Autumn also noted administration staff are holding bi-weekly meetings on projects with Clearwater Financial. Michael stated it makes sense for the cost. There was no further discussion. There was a roll call vote. Amanda voted yes, Kelly voted yes, Marla voted yes, and Michael voted yes.

Review and Consideration of Sanitation Services: It was explained to Council the city had been approached by a company to contract city sanitation services. It was explained a CDL position had been posted for three months and we had just received one application. Autumn noted this would have to go through the bid process. Karen also noted city code 7-3-3 would need to be considered as it states the city will provide residential service with city employees and city equipment. The Request for Proposal (RFP) process was explained to Council and requirements for the service would be detailed. It would then be put out and depending on the number of companies that responded would determine the next step. Autumn explained this item was before Council to see if they are interested in going into the RFP process. Kelly stated his concerns about changed in services down the road. Michael added the city had been told several times companies won't pick up twice a week. Jason noted it was worth a look. Michael moved to start the RFP process for sanitation. Marla seconded the motion. There was no further discussion. There was a roll call vote. Kelly voted yes, Marla voted yes, Michael voted yes, and Amanda voted yes. The motion passed.

Review and Consideration of City Hall fire alarm system Discussion: Karen explained the situation with the cost of the new fire alarm system and explained she had brought this before Council to use additional line-item funds to pay for the proposed system of \$38,746.59 She also updated Council on information received on the prior Friday that if the system could not use the current wiring, then new wiring would have to be ran. The additional cost for that would be \$33,871.40. She noted this new information was not within the budget and still trying to confirm if it would be necessary. Amanda moved to table this item until the January 22<sup>nd</sup> meeting. Michael seconded the motion. There was no further discussion. There was a roll call vote. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed for this to be on the January 22<sup>nd</sup> agenda.

**MAYOR & COUNCIL COMMENTS:** Mayor McClain noted the City Official's Day at the Capital was coming up and stated her and Marla would be going. Michael and Amanda also noted they could attend.

Mayor McClain also noted Karen would need to know who could attend the city/county meeting in February. Amanda stated she could attend.

Michael noted the operation Facelift application period was open. Michael questioned if anyone from the Buhl area had applied and that last years project was the front of the Senior Center.

Michael noted his appreciation for the work on the railroad tracks on Clear Lakes Rd. Jason noted they had thrown some patch in and so had the state. But he also noted individuals need to be certified to work within 50' of the tracks.

Kelly wanted to say thank you to everyone who supported him in the recent elections. He thanked every department within the city for their work and thanked the employees for their support.

CITIZEN COMMENTS: Mayor McClain stated based on the number of people in attendance she gave each person three minutes to speak.

Elisha Johnson, Buhl, Idaho, questioned if Council was aware of the unlawful actions committed by the Buhl Police Department on December 21<sup>st</sup> and questioned what actions are being taken and if it aligns with the mayor's vision of health in Buhl, Idaho.

Mayor McClain stated she had been advised she cannot speak on an open investigation. Mr. Johnson questioned who was conducting the investigation. Mayor McClain stated she assumed the county. Michael stated Council would fall under the same legal advice as the city.

Cathy Pindel, Buhl, Idaho, she stated she had read something in her church bulletin and detailed encounters with officers that were in the room. She stated the officers didn't handle her situations correctly. She added it is time for the city council to take ahold.

Bethanee Cook, Buhl, Idaho, questioned if there was an open investigation and stated all the charges had been dropped according to the Idaho Repository.

Mayor McClain questioned Chief Engbuam and he stated his office had been in contact with the Twin Falls County prosecutor's office.

Elisha Johnson addressed Council again and stated all charges have been dropped by the prosecutor's office. He questioned the release of the body cam footage. Andrew Wright stated the timeframe on that type of request would be three days.

Amanda questioned if Elisha could explain what happened. Michael noted Council is not the administration. Elisha questioned if the investigation was against him or the action of the officer. Mayor McClain was advised there was a situation but she couldn't comment and it would go to the attorney. Andrew Wright stated he knew nothing of the situation but if there was any kind of disciplinary investigation it wouldn't be something that would be public. Andrew added if Elisha wanted to make a freedom of information request it would go through the process.

There was a discussion about the requests that have been made about releasing the body cam footage. The formal process to request information was explained.

Elisha then described the incident on December 21<sup>st</sup> lead by the chief of police and tased him in his home and in front of his family and tased while on the ground. He added they created a false report claiming battery on an officer but he stated there was no injuries and he made no strikes and they had no reason to be in his home to begin with. The use of force was excessive for an unarmed citizen and it was false imprisonment and falsifying a report. He questioned if that is the kind of behavior of the chief of police and the Buhl Police Department. Elisha stated the entire report was available

There was a discussion regarding investigations of an alleged crime and an investigation of their actions. Kelly noted we have been advised by Council not speak on investigation. Michael added he hadn't heard of anything until tonight and are not having a trial right then. Mayor McClain noted an anonymous email was received that afternoon but had received no other communication regarding this. Amanda stated she had been contacted on how to contact the mayor. Mayor McClain noted she had not heard from Elisha.

It was noted the police department report shows facts and figures but does not detail reports. Michael stated he has heard of this now and can speak with the mayor who can call the prosecutors office. Elisha again noted the prosecutor's office have dropped all charges. Mayor McClain stated the prosecutor's office have not contacted the city.

Jon Thomsen, Buhl, Idaho, questioned if body cams are required or mandatory city police/sheriff officers. Mayor McClain stated there was a county sheriff present. Rusty Hawkins stated county officers do not have body cams. Chief Engbaum stated the Buhl Police Department policy that all citizen contacts are recorded and if they go down each officer has an app on their department phones. Jon questioned if they ever go down. Chief Engbaum stated only one had been returned.

Shawna Clark, Buhl, Idaho, detailed a previous incident she had had with Jeremy Engbaum about beating on her door regarding an illegally parked pickup. She also addressed Marla and stated if she had something to say not to say it to her daughter but invite her to the meeting. Marla responding by stated Shawna is always invited to the meetings and all she said was stop talking about her on Facebook and she was telling her now.

Erik Ladic, Buhl, Idaho, questioned now that Council knows of the situation will there be an investigation. Andrew again explained the records request process and included that if there was an investigation into the action it would not be disclosed to the public which is covered under state statues. Mayor McClain added that if there is an investigation it wouldn't involve the Council as Michael had explained earlier. Erik also questioned if the use of force training is mandatory, Chief Engbaum confirmed that training is mandatory.

Elisha questioned if there is a procedure in place to be transparent with the people of Buhl when something takes place with the Chief of Police if there is a process that the city Council takes. Mayor McClain stated if it is personnel related it is done in executive session and nothing is public. Michael and Andrew confirmed that is state law and it is no different with any public agency. Mayor McClain stated every Council member and employee knows that.

Bianca Thompson, Buhl, Idaho, stated they did make phone calls and received no phone calls back and wanted to raise their concerns and are not happy with what has happened. She stated it is not just Eli's case but there has been other cases and she questioned if that is the type of behavior the City of Buhl will stand for. Bianca discussed how two Council members were just sworn in and questioned if they are not to up the laws of the City of Buhl. Kelly added and the law of the State of Idaho and as stated cannot discuss personnel.

Amanda stated she would like to speak to that and if this behavior is true, she feels it does need to be investigated and if it found to be true doesn't feel it is acceptable.

Cathy Pindell addressed Council again and stated she did not give details and Andrew Wright has served her in the past and was being respectful. It was a conflict of interest.

Kevin Stark, Twin Falls, Idaho, speaking for everyone that society has the utmost confidence in law enforcement, but something has happened to undermine that and has caused fear and uncertainty. He stated they want to work together to restore that confidence.

Mayor McClain stated they had been asked several times if the Council condones this behavior and she said they don't know all the facts on both sides. Mayor McClain stated now that she and the attorney are aware they will check into this and will check what voicemails went straight to her phone. She added she wouldn't have contacted this people directly as this is Elisha's situation. She asked to not send anonymous emails. Thanked everyone for coming and she will be having a conversation and noted it was recorded by several individuals tonight, it was also recorded by the city.

Mayor McClain also stated this is not the only reason citizens have to come to a city council meeting. She knows there is a lot of misinformation on social media not just about the City of Buhl and that it disappoints her, comments about this city we all love and the misinformation. She added if anyone has any questions, she is in the office on Thursday's, that staff will contact her on other days. She added she likes the old days and have a face-to-face conversation. There is a reason we live here. She will be honest with citizens and she has nothing to hide.

MEETING ADJOURNED – Michael Higbee moved that the meeting be adjourned; Kelly Peterson seconded the motion. There was no discussion. All voted yes. The meeting was adjourned at 8:05 PM.

Minutes prepared by Karen Drown, City Clerk