

CITY COUNCIL WORKING MEETING

JANUARY 9, 2023  
203 Broadway Ave N

PRESENT:

Pam McClain	Mayor	Autumn Jones	Treasurer
Michael Higbee	Council President	Jason Scott	Street Department Lead
Kelly Peterson by ZOOM	Council Member	Jeremy Engbaum	Police Chief
Amanda Hawkins	Council Member	Jazmine Mills	Planning and Zoning Clerk
Marla Sisson	Council Member	Concerned Citizens	
Karen Drown	Clerk		

PLEDGE OF ALLEGIANCE

CONFIRMATION OF QUORUM:

Karen Drown confirmed a quorum.

PUBLIC HEARING #1

Mayor McClain asked the applicant to make a statement. The applicant, Galen Jantz, was not present at the meeting.

Dave Jenks, Buhl, ID, stated he will be the person impacted most because the property in the application is on two sides of his property. His concerns he is not sure what they are going to do there.

Priscilla Jenks, Buhl, ID, questioned if they would be building inside a warehouse. Michael explained the process at looking a zoning of a B-3 zone and Council can not make their determination based on specific uses or conditions. Priscilla also voiced her concern about traffic on Highway 30 and there needs to be a turn lane.

Marvin Probasco, Buhl, ID, questioned that this would give the applicant a blank check in rezone for the 5 acres. He questioned if the city had heard from state ITD for curb cut to access the property. His concern is traffic that is picking up speed to leave town. He questioned if this allows any type of business.

Jazmine Mills explained there were two applications one for rezone and the other was a conditional use permit.

Mayor McClain asked if there was any testimony in neutral of the application. There was none.

Michelle O'Neal, Buhl, ID, explained what she thought happened at the planning and zoning public hearing.

Jazmine explained it was described in the planning and zoning hearing that sheds were going to be built but the rezone application could not be approved or denied based on those details. She explained the rezone would be for a B-3 which allows any type of business under that code classification for any future use.

Hearing was closed at 6:48 PM.

## PUBLIC HEARING #2

Mayor McClain asked the applicant to make a statement. Lisa Decker explained her parents has owned the property for 37 years. It currently has three rental homes on the south end by Highway 30. She added her parents are getting older and need help so her plan is to move back to Buhl from Boise where she is a real estate broker and works with speck homes, regular sales and remodels. Her application is for six homes with five being 1 acre each and 1 being 2+ acres which will happen in the next 5 to 10 years. The design includes single family homes with an RV garage and 2 master bedrooms for parents living and the lots allow for hobby farming. Concerns of traffic in the are have been asked and she did some research with ITD and there needs to be 30,000 cars a day to ask them for a traffic study. If a turn lane were installed it would cost between \$750,000 to \$1,200,000 and that is not feasible for her to even consider. She added any water shares will be split with the properties and go with each.

Ray Malberg, Buhl, ID, questioned the finding of DEQ and Health Department but had not heard back. He also had concerns about the speed limits on Highway 30, the number of accidents since November and there are 5 to 10 ambulances per month. He stated ISP has gone through there doing 60-100 mph. And there are sometimes animals out on the road.

Mayor McClain asked if there was any testimony in neutral of the application. There was none.

Lisa Decker rebutted that ITD said there is no turn lane on their 30-year plan. She added there is a house very close to Carter Pack Road that when the tenant moves the home will be removed.

Hearing was closed at 7:02 PM.

## CONSENT AGENDA:

1. Minutes of December 12, 2022 – Working Meeting

2. Monthly Claims for Payment
3. Monthly Department Head Reports
4. Commission Minutes
5. Clerk Report
6. Treasurer Report

Michael Higbee moved to approve the consent agenda. Amanda Hawkins seconded the motion. There was no discussion and the motion passed.

Autumn questioned Kelly that since he was present in person at the meetings if he would like to receive a monthly claims for payment report.

Marla did question Maeghan's Rosenhover's last name in the clerk report. Autumn explained she has two Rosenhover and Hansen.

#### ENGINEER REPORT

Scott informed Council his is working on a grant application that would help fund a water study for the East end of town. DEQ has been provided funding for projects like this; if the city is selected and chooses to accept it would be budgeted for next year and complete the work then. He stated there is no downside to submitting the application.

He is working on the plans for the water and sewer project which will be on the north side of town; this project will utilize ARPA money.

The URA is putting together a project on Fair Street with curb, gutter and sidewalk. He noted this URA area has two years left before is sunsets.

The Wilbur-Ellis traffic plan is continuing without complaints. The planning and zoning and URA will have meetings on January 18<sup>th</sup>.

Marla asked how to go about changing code to have green space added. Karen noted she and Jazmine are working to have a joint meeting with the planning and zoning board in February.

Kelly asked if there had been any comments received on Wilbur-Ellis traffic plan. Karen stated nothing had been received at the front office.

#### UNFINISHED BUSINESS

Reconsideration of Liquor Control Ordinance and Summary: Karen informed Council members that server training is only required in the cities of Boise and Meridian. She also noted the ordinance could be approved as is; approved with the removal of the server training or any other

changes. It was noted it is finding a compromise with the businesses. Marla stated she felt the server training should be taken out as within 60 days the server doesn't stay that long, the business owners work hard to get their licenses and to keep them and that we are overstepping as Boise and Meridian are much larger communities.

All members of the City Council having been furnished a copy of the proposed Ordinance No. 1017 and being fully apprised of the content and purpose of said Ordinance, Marla moved that the provisions of Idaho Code Section 50-902 which require that said Ordinance 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. Marla requested a roll call vote on the motion. Amanda seconded the motion. There was no discussion. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed.

Marla moved to approve Ordinance No. 1017 but remove sections 2-2B-2 and 2-2B-3. Michael seconded the motion. Kelly stated regardless of the size of the city it is looking to the future. He used the example that many jobs have the requirement of a license to drive and that is not paid by the business to complete. This would extra protection for the business. Andrew Wright stated a legal concern that the business could still be cited if over serving. Marla added that El Cazador stated they have been in business and have never been cited for over serving. There was no further discussion. Marla voted yes, Michael voted yes, Amanda voted yes and Kelly voted yes. The motion passed.

Marla moved to approve the Summary of Ordinance No. 1017. Michael seconded the motion. Karen explained this was the process so the whole ordinance document didn't have to be published. There was no discussion and the motion passed.

#### NEW BUSINESS:

Review and Consideration of Public Testimony on request by Galen Jantz for a change of zone from R-1 to B-3: Michael moved to approve the rezone from an R-1 to B-3 for Galen Jantz. Marla seconded the motion. Michael stated it was hard since the applicant was not present at the meeting for questions and the rezone of the entire property to B-3. There was no further discussion. Marla voted no, Michael voted no, Amanda voted no, and Kelly voted no. The motion failed.

Review and Consideration of Public Testimony on the Huntington Subdivision preliminary and final plat: Amanda moved to approve the preliminary and final plat. Marla seconded the motion. Scott Bybee, city engineer, has reviewed the application and the area in question. He stated this is a transition area in the impact area. He added he spoke with ITD about this area and the amount of traffic that six more homes are going to add is not going to warrant a change for them

to look at. He did note there is a hill west of the intersection and he personally has witnessed drivers speeding through that area put the property owners can't be held responsible for other drivers. He noted that well and septic tanks are not the city's jurisdiction; district health oversees individual systems and they have to be built to the health districts standards. The city has extended sewer to the west but this is too far from the system. He noted that traffic accident increases can change ITD's plans and letters from concerned citizens can also affect ITD's plans. It was questioned if it could be patrolled more by the Twin Falls County Sheriff. Michael stated the Council has been asking for a better mix of housing. In the past it has been high density subdivisions; it is still a lower density and after he recently drove down Carter Pack Road and seeing the number of new homes six won't change much. There was no further discussion. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed.

Review and Consideration of Airport Grant from the Idaho Transportation Department Division of Aeronautics: Michael moved to approve the acceptance of the grant for the airport from the Idaho Transportation Department Division of Aeronautics. Karen explained this was the matching grant that had been anticipated during budget discussions so it was budgeted at that time. There was no discussion and the motion passed.

Michael moved to adopt Resolution No. 431 accepting this grant. Marla seconded the motion. There was no discussion and the motion passed.

Review and Consideration for the 4<sup>th</sup> of July Fireworks Show display options: Karen explained she had received the price for this year's 4<sup>th</sup> of July Firework Show and to keep the same show we have had in the past it would cost \$11,100.00. She had budgeted for an increase in the budget based on information from the company but that budget was \$8,500.00. She brought it before Council for review and consideration. Michael moved to approve option D which stayed within budget but did have fewer shots than previous years shows. Marla seconded the motion. Karen noted the rep with Fireworks America who is the vendor mentioned a number of communities accept donations to help pay for the show. There was no further discussion and the motion passed.

Review and Consideration of Records Retention Resolution: Michael moved to approve Resolution No. 432 the Records Retention Resolution. Marla seconded the motion. Karen explained this will allow departments to clean out unnecessary files that are taking up a lot of space. Amanda asked if a copy of this resolution could be provided for their Council binders. There was no further discussion and the motion passed.

Review and Consideration of Records Custodian Resolution: Michael moved to approve Resolution No. 433 outlining the Records Custodian Resolution. Marla seconded the motion. There was no discussion and the motion passed.

Review and Consideration of Library Expenses Reimbursement Request: Kelly moved not to pay expenses for the out going director. Michael seconded the motion. Kelly stated he felt this was outside of the norm of how the city conducts business and the purchases were made with no expectation of reimbursement. Marla stated she had a hard time with this as she was previously on the library board and now the liaison. Reba stated she went in naïve; it was such a need and she cared too much. Michael stated we can't go around the system. There was a discussion of option for the library board to consider this payment. There was no further discussion. All vote aye and the motion passed not to reimburse for expenses.

Discussion of Contract for Services with Buhl Rural Fire Protection District: Autumn noted the BRFPD audit had been received and in the Council packets was a proposed budget from Andrew Stevens for a draft contract where the city contracts with the district. She explained that she can check the city contribution in the formula based on the discussion about using the city net taxable market value calculated at the district levy rate. Autumn discussed the situation with the URA districts and how the city does not get the whole property tax value from these areas because it goes into the URA and shows as the less increment value on the reports from the county. She feels it is appropriate to include that portion in the calculation into the formula as the fire department still responds to EMS and fire calls in those areas. Michael asked to have this item on the agenda for the joint meeting the following Monday.

Mayor McClain informed Council that the previous Thursday the full-time firefighters voted to unionize. She stated she didn't know any details yet. Thomas Higgins and Brian McGowen visited with her and they would be letting Neal Gier know about this vote.

COUNCIL COMMENTS: Michael stated he had received an email from an Aaron Graff which is looking at a new business to bring to Buhl. It is substance abuse care for outpatient services. There was a discussion about locations and zoning. It was stated to forward him Jazmine's contact and she can discuss it further with him.

CITIZENS COMMENTS: Paul Madelena, Buhl, ID, noted to proceed carefully with the union. He said to provide the best possible service just work together with the district the best you can. If the JMA separates it would be a disservice to community, district and city. He stated from his research unionizing really focuses on scheduling and wages.

Onnie Granados, Buhl, ID, stated the Boise realtor did a great job seems very sincere; the person who didn't show up is not going to happen. He gave an example for the home where he moved from and he hoped it would be bought and fixed up but it was actually demolished. He stated all the best laid plans can go to hell. But he sees and feels positive energy of everyone here tonight.

Toni Lee, Gooding, ID, Buhl Police Department Records Clerk, stated she ran an outpatient program through North Canyon. She added these programs save lives as 95% of the patients have the problem because of an incident in their lives.

Marla stated the incident of the previous week was handled very well from the Buhl Police Department. Toni stated they worked in conjunction with the family and the school district to help provide the correct information to the community.

A recess was taken for two minutes.

EXECUTIVE SESSION – Michael moved to enter executive session with provisions of Idaho Code 74-206, subsection 1.b to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public office, employee, staff member or individual agent. He requested a roll call vote. Amanda seconded the motion. Marla voted yes, Michael voted yes, Amanda voted yes and Kelly voted yes. Those that remained for executive session were Marla Sisson, Michael Higbee, Pam McClain, Amanda Hawkins, Andrew Wright, Reba Puente, Karen Drown, Autumn Jones, and Kelly Peterson by Zoom. Executive session was entered at 8:47 PM. Michael moved to adjourn Executive Session. Marla seconded the motion. There was no discussion and the motion passed. Executive Session adjourned at 9:16 PM.

Consideration of Executive Session Discussion: No motion was made and no discussion was held on this agenda item.

MEETING ADJOURNED – Michael Higbee moved that the meeting be adjourned; Marla Sisson seconded the motion and all were in favor. The meeting was adjourned at 9:17 PM.

Minutes prepared by Karen Drown, City Clerk