

CITY COUNCIL REGULAR MEETING

NOVEMBER 13, 2023

203 Broadway Ave N

PRESENT:

Pam McClain	Mayor	Autumn Jones	Treasurer
Michael Higbee	Council President	Jason Scott	Public Works Director
Kelly Peterson by Zoom	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.

PUBLIC HEARING #1

The applicant's son, Christian Jaramillo, translated for Julia Lopez stating his parents want to divide their property into three lots. He stated one home already exists and would like to build two other homes or a duplex for family members—his sister and possibly himself.

There was no testimony in favor or opposition to the application.

The hearing was closed at 6:35 PM.

PUBLIC HEARING #2

Karen Drown presented as the applicant on behalf of the city to finish an application that was started in 2016 and needed to be completed. She explained the request was to vacate the streets for Catalpa and East Walnut. The problem that arose after the initial 2016 hearings was that the hearings were not noticed correctly to those within 300 feet. Idaho Code requires a certified letter with a return receipt, which was not done in 2016, but was completed for the planning and zoning and council hearings this time. It was also identified that the vacation of both streets would leave four parcels land-locked with no legal access. Karen stated the planning and zoning recommended vacating all of Catalpa and the portion of East Walnut from the east side of the alley to the north of East Walnut. Karen explained that would still leave one parcel land-locked. She noted that land-locking parcels wasn't illegal, but it is not good practice.

David Fisher of Buhl, Idaho, stated he is a potential buyer of a property for sale in this area and would like to see Catalpa St vacated. He noted that vacating East Walnut would not allow access to the parcel he's interested in.

Jason Scott stated he had no problem with vacating Catalpa but was against vacating East Walnut for the fact that if any of those properties were to develop the water system would need to loop and that would allow for that to go back to a planned line to connect Juniper down Hatfield Lane and into East Elm/4150 N.

There was no neutral testimony.

The hearing was closed at 6:43 PM.

PUBLIC HEARING #3

Autumn stated the proposed Fiscal Year 2023-2024 budget amendment was for \$102,602 in the Tort line item, Admin for \$4,763.46 for the ADA corner by Vaquero which was budgeted in the fiscal year 2022-2023 and the project didn't get completed; Airport for \$35,000 for the Beacon Light Grant Project which was budgeted in the fiscal year 2022-2023 and the project didn't get completed; Streets for \$150,000 for the remaining payment to close out TAP 1 & 2 walking path grants which were budgeted in fiscal year 2022-2023 but the contractor did not get the city invoices before the end of the fiscal year; Wastewater for \$43,102.71 for payment from ICRMP insurance claim to replaced damaged storage buildings.

There was no testimony in support, against, or neutral.

The hearing was closed at 6:46 PM.

CONSENT AGENDA:

1. Minutes of October 23, 2023 – Working Session
2. Claims for Payment
3. Monthly Department Head Reports
4. Commission Minutes
5. Clerk Report
6. Treasurer Report

Michael moved to approve the consent agenda. Marla seconded the motion. Amanda asked to have the address of the power pole that was mentioned to be included in the minutes. Karen clarified the pole was at the corner of 7th Ave N and Main Street. Amanda also asked to have it

noted the curbing was not completed in the project at this location. There was a roll call vote. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed.

MONTHLY CITY ENGINEER REPORT

Scott stated the statements of qualifications have been reviewed and JUB was selected for the Water Study Project, which their agreement for professional services is later on the agenda.

He stated the Hatfield Lane project design is complete and is continuing to work on the ARPA project. The URA #3 for downtown is progressing. Wilbur-Ellis's construction project is nearing completion. He also stated the area of impact agreement is proceeding.

SPECIAL BUSINESS

Mary Thompson with REDS presented the City of Buhl with a plaque for the recent Operation Facelift project. The façade of the West End Senior Center was painted and updated. The project was sponsored by 1000 Springs Mills.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS:

Review and Consideration of Leo's Paradise Subdivision Preliminary and Final Plat: Marla moved to approve the Leo's Paradise Subdivision application. Michael seconded the motion. Michael thanked Jazmine for the informational report that covered all the questions he had. Amanda asked if it was always in the plan to subdivide since they owned it in 2019. Christian stated the property could be split into three in the deed. Amanda also questioned the water concerns that came up during the planning and zoning meeting. Karen stated those concerns were with irrigation water, which the city has no jurisdiction over. 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 Vacation of Catalpa Street and East Walnut Street: Michael moved to vacate Catalpa Street. Marla seconded the motion. Michael questioned why East Walnut was included in the original request. It was noted the first request was just for Catalpa but when notices were received for that hearing, a petition was submitted from the residents to also vacate East Walnut. Marla stated she also agreed to just vacate Catalpa. Amanda asked if there was a cost to vacate. Karen noted just the cost to mail the certified letters. The ordinance and quitclaim deeds will be recorded, but there is no cost. Karen noted once a direction from the Council is decided, an ordinance will come back before them to complete the process. There was no further

discussion. There was a roll call vote. Amanda voted no, Kelly voted no, Marla voted yes, and Michael voted yes. Mayor McClain broke the tie by voting yes. The motion passed.

Review and Consideration of Amended Appropriation Ordinance for Fiscal Year 2023-2024: All members of the City Council having been furnished a copy of the proposed Ordinance No. 1025 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. Amanda started a point of discussion about why she opposed the budget amendment. Karen called a point of order and noted the motion on the floor was only to suspend the rules for the three readings and not a motion to consider the budget amendment. Kelly voted yes, Marla voted yes, Michael voted yes, and Amanda voted no. The motion passed. Michael questioned Amanda if she wanted to have the ordinance read on three separate days. Amanda answered yes.

Michael moved to approve Ordinance No. 1025 amending the fiscal budget for 2023-2024. Marla seconded the motion. Amanda stated she didn't agree with amending the budget, but was going to vote yes because the city has to have a balanced budget. She stated she didn't agree with the purchase of a skid steer to repair a hydraulic hose, and that she is worried about how many times the budget is being opened; she added grants are one thing. Jason Scott noted the excavator has hydraulic issues and safety issues, and it is not just a hydraulic hose. Autumn clarified the piece of equipment was a mini excavator and the purchase of that equipment was approved in the original appropriation ordinance and had nothing to do with this amendment. Michael stated all the proposed amendments amounts that were noted during the public hearing. 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.

Review and Consideration of Idaho Airport Aid Program Grant Agreement with Idaho Transportation Department, Division of Aeronautics: Michael moved to approve the grant agreement with the Idaho Transportation Department. Kelly seconded the motion. Karen noted that Resolution No. 445 was included with this agreement. 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 Beacon Light Grant Contract: Amanda moved to accept the Beacon Light Contract. Marla seconded the motion. There was no 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 Engagement Agreement: Karen presented the proposed engagement agreement with Clearwater Financial to the Council. She noted the firm had been discussed during budget discussions and \$12,000 was budgeted for their retainer. This

agreement was for \$6,000 as the city is an AIC member and that provided for a discount with Clearwater Financial. It was noted larger projects would be discussed and a scope of work and budget would be considered for those. Michael had questions about the statement in the agreement about bonds and nothing had been mentioned. Jace Perry with Clearwater Financial noted bonds are a tool that can be looked at for projects and one area they are familiar with. Karen noted there is no discussion of bonds for any projects it is just a service they provide. Jace noted they help with public engagement and comprehensive plans. He stated they know small communities have limited resources and their firm is here to help with any projects the city needs. There was a discussion about the projects that will be worked on and the first ones would be the comprehensive plan and code update and also the renovation of the new building. Marla moved to approve the Clearwater Financial agreement. Michael seconded the motion. Karen noted she is also working on a grant application through the Blue Cross of Idaho Foundation for the comprehensive plan project which could go to pay for the additional fees from Clearwater. 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.

Review and Consideration of JUB Engineers Agreement for Professional Services of IDEQ Water Study Project: Scott stated this water study had started as a smaller project, but is now part of the grant through IDEQ. The total project budget is \$166,000 with \$83,000 from the city and \$83,000 for IDEQ. Scott summarized the process of submitting the preliminary application, putting out the SOQ, and the negotiations. He noted it is illegal in Idaho to bid on professional services. There were two submittals to the SOQ from JUB Engineers and HMM Engineers. A committee of seven reviewed the proposals and picked JUB Engineers. After the consideration at this meeting, it will go to IDEQ for final approval. Scott noted that JUB was involved in Buhl's original water model. Scott added at the end of this study the city will have a constructed water model which will be a useful tool for the future. Michael moved to approve the JUB Engineers agreement for professional services. Marla seconded the motion. There was a discussion about the previous meetings and the growth to the south of town. Scott noted right now the city is in good shape to meet residential demand. Scott noted Chuck will be brought into this to be looking at the future.

Michael questioned why the project grew. Scott noted water rights are difficult and this study will look at options for the future. Michael also questioned if this was a wise use of \$83,000 and Scott noted the IDEQ money is one-time money and that will get the city the best bang for our buck.

Marla questioned if the water model would provide information for any new subdivisions. Scott answered yes, the city could contact JUB, they would plug information into the water model which will show if the current system can or cannot service the request, and the improvements

needed. Then a discussion could be had with the developer and JUB for those improvements. Mark Holtzen with JUB noted that on-call water modeling cost is sent to the developer.

Amanda questioned the benefit to the current residents. Scott noted it will allow for a cost shift to developers and away from residents. 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 Chamber of Commerce RV Park Night Limit in lease: Mayor McClain brought this before Council from a request of the Chamber for an additional night maximum. Mayor McClain noted the night limit in the lease was not a grant restriction but was a Council decision. Michael noted the night limit was based on comments from other RV park businesses; which was noted they are now closed. There was a discussion about the concerns from the past at another RV park in the area. It was noted there are St. Luke's patients who have used the chamber RV park as the one at the hospital was full. And it has also been asked about construction workers. Karen read the current city code on limits for RV parks. Andrew recommended looking at setting an exact number of days. Chief Engbaum questioned if several days would not set residency. Michael moved to change the night limit from a 3-night maximum to a 14-night maximum. Andrew commented about including "which can be revoked by the city at any time". Michael amended his motion to include that wording. Marla seconded the amendment. 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 Administration, Police, and Public Works Surplus Resolution: Michael moved to adopt Resolution No. 446 to surplus property in Administration, Police, and Public Works. Marla seconded the motion. There was no discussion. There was a roll call vote on the motion. Michael voted yes, Amanda voted yes, Kelly voted yes, and Marla voted yes. The motion passed.

COUNCIL COMMENTS: Michael questioned the section of the curb along Main Street and the power pole that was noted earlier in the meeting. Jason noted the power pole was not moved until at least a month after the contractors had left town, and the curbing wasn't done because the power pole was in the middle of the curb. Amanda noted the curbing was replaced in front of Pizza Planet, but not in front of Clark's Garage.

Michael questioned Teresa if there had been any response from the railroad concerning the Clear Lakes Road crossing. Teresa stated she had received no response; she added she makes calls monthly to receive answers. Jason noted they patched a hole in that crossing. Amanda thanked Jason for that work.

Marla asked if there was any update on the fireworks sponsorship. Karen noted she sent out 21 letters and had heard from First Federal, but no actual sponsorships yet.

Marla noted she had reached out to Jeff McCurdy about pool grants. She was put in contact with Denea Jenkins with Region IV Development.

Marla read a statement thanking those who came out to vote in the recent elections. She stated she had recently done a ride-along with Officer Brown the previous Thursday and spent the morning in the schools with her. She stated she has the utmost respect for the Buhl Police Department and its officers. She stated three out of the four council members attended an AIC training on civility. Marla addressed Amanda about Amanda's mother's comments and attacks on Facebook in recent weeks. Marla concluded by stating she hopes to move forward, to trust and work with Amanda in the future.

Amanda asked for the opportunity for a rebuttal and noted she has no control over anybody.

Mayor McClain also had a statement to Amanda. Amanda asked for a point of order; Andrew stated this was council comments. Mayor McClain continued speaking and noted that what is said in the community comes back to Council members. She stated she cannot open the checkbook for anything and cannot sign agreements without Council decisions. She also noted votes can be completed on a majority vote, and she shouldn't feel she should have to defend her integrity. The comments are coming from people she does not know. She added she did not buy the police station on her own and added people should not believe everything they hear in the community. She referred everyone to the city website for the agendas and minutes.

Michael asked Kelly if he had anything to add. Kelly noted if he has something to say he will say it to their face, so he will be withholding his comments on misinformation and underhanded actions during this election cycle until he can address them in person.

CITIZEN COMMENTS: Donna Marie Fournier of Buhl, ID, questioned the ADA access to city buildings, such as the city hall, library, and the new police station. She asked the Council to look for grants. Karen noted the last time she looked into this project it was about \$20,000.

Mike Vanourney of Buhl, ID, commented that since the sidewalks were put in there are more people on Main Street. His concern is the semi-trucks that are coming through town and added those that use their jake-brake at 2 or 3 a.m. and the asphalt that is getting torn up. Chief Engbaum noted just knowing the trucking company they cannot cite; the law requires identifying the driver. There was a discussion about the signage on the state highway and what needs to be done to make it enforceable to hold up in court. Donna Marie noted the trucks that speed down 11th Ave N. Chief Engbaum also noted he can't stop commerce.

Teresa Robbins of Buhl, ID, noted the AIC training available for all council members and an upcoming free training held on November 30th at 10 a.m. She stated that AIC is there for training.

Chief Engbaum noted a meeting on November 28th for the Sagebrush Days Parade Route.

MEETING ADJOURNED – Marla Sisson moved that the meeting be adjourned; Michael Higbee seconded the motion. There was no discussion. All voted yes. The meeting was adjourned at 8:40 p.m.

Minutes prepared by Karen Drown, City Clerk