

CITY COUNCIL SPECIAL MEETING

AUGUST 14, 2023
203 Broadway Ave N

PRESENT:

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

PLEDGE OF ALLEGIANCE

CONFIRMATION OF QUORUM:

Karen Drown confirmed a quorum.

Marla moved to amend the agenda and add item #8 Review and Consideration of Purchasing Options for Garbage Truck Body/Dumper. Kelly seconded the motion. There was no discussion. There was a roll call vote. Kelly voted yes, Michael voted yes, and Marla voted yes. The motion passed.

PUBLIC HEARING: Mayor McClain opened the public hearing at 6:32 PM. She asked the applicant to make a statement. Autumn stated the proposed Fiscal Year 2022-2023 budget amendment was for \$35,000 in the Airport budget for a Beacon light grant and \$465,000 in the Police budget for the purchase of 200 Broadway Ave N. This included \$460,000 for the purchase and \$5,000 for closing costs. She reviewed her treasurer's report with the cost comparison of the bond that was taken out for the current city hall building and cost per square foot when it was built to the sales price of 200 Broadway Ave N and then new construction costs. She had also estimated that if a 20-year bond was taken out what the total cost would be once it was paid off.

Mayor McClain asked if there was any testimony in support of the amendment.

Toni Lee, Buhl Police Department office records manager, explained extensively the needs she sees in the department based on the number of calls for service. In 2023 they have already received 3600 calls for service and they include crimes against children and homicide. The department takes calls of sensitive information but tries to focus on customer service. She stated patrol offices are at least 3 officers deep and each have limited space. The ILETS system has criminal history and there are audit concerns. She explained the safety after a recent breaking of

an individual that just wanted to go to jail. She stated this is an incredible offer but needs the support of the Council. She thanked Chief Engbaum for all his work on this possibility.

David Katsules, Buhl Police Department Sergeant, stated he had been with the city about 5 year and the department is currently running out of room. This building would allow the department to keep all records under one roof. It would allow space for officers to work more comfortably and there would be space for a sergeant or lieutenant to speak with other officers in private. The security of sensitive information on body cameras would available. And this would allow for room for the detective who handles sensitive cases with child predators to be reviewed securely. He noted that currently interviews can be heard through the walls and confidentially is important. The current office door is kept locked which has citizens with concerns sitting in the hallway and seeing other community members. He also explained as the K-9 officer there currently is no place to keep the K-9 when he is on vacation; this would allow a space and not have to pay to board the K-9. He thanked all the community members.

Letter from Kora Sullivan, Buhl Police Department Records Assistant, Karen read the letter which detailed the growth of new homes within city limits and impact zone and the citizens with that growth. She detailed the square footage of the current department and the limitations that causes when interacting with the public. Currently they communicate with a majority through a small sliding window in the hallway. She detailed the benefits this larger space would provide for the community, office staff and officers. And the security and protection it would allow.

Letter from Cody Mai, Buhl Police Department Detective, Autumn read the letter which detailed concerns of safety and privacy. He explained the interview room is not ideal for the discussion of sensitive information as it is right outside a common area hallway and general office. He gave an example of a situation of needing additional offices to complete and interview and polygraph and having only one office to do that limited the process and interrupted other officers trying to complete their duties. He explained the requirements of his position and the restrictions that places in the use of his shared office with the Lieutenant.

Tom McCauley, 11th Ave N, Buhl, stated it was high time the city did this. He explained when he was mayor his direction to the police chief was find a way to make it work. He noted that it is about service if someone is engaging with the police it possibly is the worst time of their life and privacy if necessary. He noted dealing through the little window is not friendly. It is a prime location and he is not about spending money when not necessary but if the city is in a position to do this then it is a great opportunity for expansion.

Mr. Babbington, business owner of High Country Coffee, he stated he had experience with the police in a very not good case and they were professional to deal with. He noted he had worked in construction and the price of concrete is \$575-\$700 per yard; he added prices never go down.

He stated how could we not do this, as you can either spend some now or a lot later. He gave an example of lumber costs and this is a way to do it more efficiently.

Jeff Hoagland, 9th Ave N, Buhl, stated he was not sure as to his opinion on the topic when he came in here and after hearing everyone; we need to do this. He did question where the money was coming from. Autumn explained it is money from savings of the general fund. He concluded he was for it as the department needs room and space.

Cory Santos, 14th Ave N, Buhl, stated this had been very informative, he would like a public tour and view all case files that are being handled. He felt the city was getting a bang for our buck and thanked everyone for all the information.

Ladawn Hoagland, 9th Ave N, Buhl, questioned where the \$150,000 for renovations was coming from. Autumn stated the \$150,000 was her guess and it would go through the procurement process but that would also come from saving of the general fund.

Mayor McClain asked if there was any testimony against the amendment. There was none.

Mayor McClain asked if there was any testimony neutral for the amendment. There was none.

Autumn stated she had no rebuttal.

The hearing was closed at 7:15 PM.

CONFIRMATION OF QUORUM:

Karen Drown confirmed a quorum.

CONSENT AGENDA:

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

Michael Higbee moved to approve the consent agenda. Kelly Peterson seconded the motion. There was no discussion. There was a roll call vote. Marla voted yes, Michael voted yes, and Kelly voted yes. The motion passed.

MONTHLY CITY ENGINEER REPORT

Scott explained he is setting up a meeting with JUB for the water analysis grant. The city has to notify DEQ by September 1, 2023 of the intent to use the grant. He explained it is a comprehensive analysis of water system which included fire suppression and future services. He noted DEQ matches it at a 50%/50% grant.

URA will meet August 16th and are scheduling a walkabout in September to look at the needs in the downtown area.

Harvest Hills has their infrastructure complete and it has been accepted by the city.

He credited staff on the professional approach on all inquiries that are coming in to the office.

He is working on the water/sewer project and it will bid in the fall and start as soon as possible in the spring. This project will rehab water and sewer lines and replace some existing 4" lines with 8" lines. He noted the recent events in Hawaii with the fire; how their pipes melted and how they had no pressure at the hydrants.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS:

Review and Consideration of Amended Appropriations Ordinance for Fiscal Year 2022-2023:

All member of the City Council having been furnished a copy of the proposed Ordinance No. 1021 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 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. Michael voted yes, Kelly voted yes, and Marla voted yes. The motion passed.

Michael moved to approve Ordinance No. 1021 Amending Fiscal Year 2022-2023. Kelly seconded the motion. Mayor McClain read the ordinance title. Kelly thanked everyone for their testimony. He noted the perfect location and the police department should be able to function and thrive.

Michael stated he was impressed with the statements given. He noted originally this was hard to stomach but he made notes of words given from the statements such as safety, confidential, privacy and others. He added it is a bang for our buck and stated the city had looked at other buildings for other options.

Marla stated it was awesome to hear and fantastic information in the treasurer report. She is excited. There was no further discussion. There was a roll call vote. Kelly voted yes, Michael voted yes, and Marla voted yes. The motion passed. Autumn noted the ordinance will publish August 22, 2023.

Review and Consideration of Resolution Censuring Council Member Amanda Hawkins: Kelly moved to adopt Resolution No. 440. Marla seconded the motion. Kelly read the resolution in full for the minutes. He requested a roll call vote.

Michael stated he was surprised by the packet and he didn't know what item # 2 was referring to so he emailed Karen. That Karen stated it was when he questioned Amanda if she had spoken to anyone regarding what was discussed during an executive sessions. He stated that Amanda had said no so he didn't know if that applies. Michael didn't know if that should be in there and questioned if that is why Kelly had put that in the resolution.

Kelly moved to amend his motion and strike item # 2. Marla seconded the motion.

Michael questioned Andrew Wright if any of the information that had been brought forward at various times that referenced city employees could be included in the resolution or not because they were discussed during executive sessions. Andrew stated those were issues raised maybe six months ago regarding micromanaging type issues and not executive session issues. Michael rephrased as there was a lot of stuff that came out during those executive sessions that was not in the resolution and asked if that was executive session as example letters. Andrew stated none of that pertains to this resolution.

Marla found Amanda's behavior disappointing and at the last meeting basically told Marla to stop talking; and Marla has never said that to her. She stated to hear Kelly read the resolution that it reflected exactly what she has done. Kelly commented about Amanda shaking her finger at him and saying they weren't going to discuss the item. Marla added that at the last meeting Amanda was asked why she was voting a certain way and she wouldn't let the other Council members know. She stated it is very hard to work with someone like that and wanting to make big decisions for the city and want to know what others have to say.

Michael stated this has weighed on his heart and if this had come to him six months ago this would be a lot clearer to him personally. He has had her family members leaving his business, her family members wanting to know why he is treating their daughter this way, how it is not right, and getting after him in front of patients. He stated this is highly inappropriate and he would never that to anyone and hasn't done anything like that to Amanda or her family. Michael added that he had a threat from father to see what would happen at Council meeting tonight. Council is supposed to be a body and members can't expect to come into meetings and have everything go their way and it is ok. He gave an example of interactions with Tom McCauley and they didn't always agree but got a lot of stuff done and they have mutual respect and friendship despite the differences. Council can't be an administrator when on city council have to

come as a body and feels lot of the resolution falls back to the rolls and responsibilities. The things that we hard for him to stomach were the things dealing with employees that were stated in executive session. Michael questioned Andrew what censure actually does; Andrew stated it is a public reprimand by the city council. Mayor McClain informed Michael he was not the only business that has been hurt. There was no further discussion. There was a roll call vote. Kelly voted yes, Marla voted yes, and Michael voted no. The motion passed.

Review and Consideration of Dissolving the Rate Committee: Kelly moved to dissolve the rate committee. Michael seconded the motion. Scott gave a brief history and knows of four other communities with committees. He noted all the committee members all play a role and noted the committee has not always been in favor of city recommendations but the benefits of the committee far outweigh any negatives. He added the committee has helped structure grant opportunities and it provide more points on grant applications for having a rate committee. Autumn explained her training session at the June AIC conference and the presenter was impressed that Buhl has a committee.

Kelly stated the rate committee meetings are open meetings to the public and he made this motion to bring these points out but was not in favor of dissolving. Scott added that before the rate committee the city would hire an engineering firm, but added now Buhl has the right staff with experience.

Karen provided history that she had researched with Ordinance No. 876 from October 2001 and there has to be at least one prior to this but it was not listed. Ordinance No. 928 from April 2007 updated the committee by removing the fire chief and added the three representatives from commercial, industrial and residential. It also set the city engineer as the chairperson. Ordinance No. 986 from August 2017 set the water and wastewater managers as nonvoting members.

There was no further discussion. There was a roll call vote. Marla voted no, Michael voted no and Kelly voted no. The motion failed.

Review and Consideration of Recording all Planning & Zoning Meetings and all Council Meetings: Kelly moved to consider recording all Planning & Zoning meetings and Council meetings. Karen reviewed Idaho Code 74-205 stating a full transcript nor a recording of the meeting is required; she added except for Idaho Code 67-6536 when discussing concerning local land use planning matters, which is also what Buhl City Code 1-10-2 G. states. Karen then referenced the City of Buhl Records Retention Policy which states recordings of non-land use issues are transitory and are only kept until official minutes are approved; anything with land use is in the policy to keep for one year after the final decision unless a longer period is required due to litigation. Kelly confirmed that Buhl is in compliance with the law and Karen stated yes. It was explained to those in attendance the minutes are included in the consent agenda. Michael stated staff are already extremely busy and over worked and this is not necessary. Kelly stated he

is opposed to this. Marla agreed with Kelly and added Karen does an awesome job. It was noted that Autumn and Jazmine are also taking notes during the meetings. There was no further discussion. There was a roll call vote. Marla voted no, Michael voted no, and Kelly voted no. The motion failed.

Review and Consideration of Urban Renewal Agency Board Recommendation to Appoint Jeff Gabardi: Michael moved to approve Jeff Gabardi to the Urban Renewal Agency Board. Kelly seconded the motion. It was noted Jeff has attended meetings with professionalism. There was no further discussion. There was a roll call vote. Marla voted yes, Kelly voted yes, and Marla voted yes. The motion passed.

Review and Consideration of Institution of a new Buhl City Code and fee for Right-of-Way Permits: Jason explained the city had never had a right-of-way permit and we are having issues with contractors causing problems and then leaving town. This would require a permit and a deposit for any work in the rights-of-way. He gave the example of a contractor leaving a large pile of rocks after working on a citizen's line and also the company that bored through the sewer line on Burley Ave earlier this year. Karen explained if approved this would need to go to public hearing for a new ordinance and resolution for the fees. Michael moved to approve the right-of-way permit to go to public hearing. Marla seconded the motion. There was no further discussion. There was a roll call vote. Marla voted yes, Michael voted yes, and Kelly voted yes.

Review and Consideration of State/Local Construction Agreement for Burley Ave: Jason stated this agreement is to further the paperwork along the way. He stated they do not want any funds at this time. Jason announced that all property use agreements have been completed. Marla moved to approve the agreement. Michael seconded the motion. Kelly thanked Jason for all his work on this project. There was no further discussion. There was a roll call vote. Michael voted yes, Marla voted yes, and Kelly voted yes. The motion passed.

Review and Consideration of Purchasing Options for Garbage Truck Body/Dumper: Autumn explained we currently have two tipper trucks. In the current year's budget, we have the purchase of the truck portion of the new truck and are making the final payment on the 2017 truck. Autumn stated if the city were to finance the back/bed part of the truck of \$189,835.36 it would cost \$58,711.08 in interest. She reviewed the sanitation cash reserve for the effect the payment for the truck and if the back/bed was paid for outright and not financed; it would leave a remaining \$52,762.28 but that reserve also will receive revenue from monthly billings and interest earnings. She questioned if a future Council didn't want to pay the payment on the back/bed what do we do, leave that portion in the First Federal parking lot? The truck is currently at SWS getting the back. Autumn stated to amend the 2022-2023 budget the notice would need to publish August 22nd and 29th and hold a public hearing on September 11th and then publish the Ordinance on September 19th. Michael moved to move forward to amend the Fiscal Year 2022-

2023 budget. Kelly seconded the motion. Andrew stated financing is an option but the documents would have to be revised. Michael personally was in favor of not wasting public funds on interest. There was no further discussion. There was a roll call vote. Michael voted yes, Kelly voted yes, and Marla voted yes. The motion passed.

COUNCIL COMMENTS: Michael stated he appreciated the statements from the police. He added individuals shouldn't feel unsafe at the police department and thinks a nicer facility will help with recruitment.

Jermey thanked the staff and Council for the work for this building. He also thanked Autumn and Karen for their work through this.

CITIZEN COMMENTS: Cory Santos noted half the audience left. He stated everyone has 1st Amendment rights and she shouldn't be censored. Has been coming for several months and there has been subtle jabs from all four council members and it would be nice if everyone could work in union.

Debra Floyd had questions on the garbage truck. Questioned if the truck being a side grab would eliminate a position and if citizen would not be able to put leaves out. Jason stated it will not eliminate a job, the trash is too much now, it will be an additional position and truck. Michael noted this won't take care of all the city, it won't fit down the allies. But it will be used in the newer subdivisions and MoonGlo.

Teresa Robbins stated she has been the public works clerk for the city for 11 years and has felt Council has always had her back. She stated she doesn't feel Council Member Hawkins has her back and doesn't do her job to educate herself to understand the different funding the city receives and she has not attended training in two years. Teresa is not picking on her but it concerns her as a born and raised Buhl citizen and city employee that she doesn't understand the difference how funding sources can be spent. Teresa stated that Amanda needs to be educated on the public hearing process and what can and can't be said inside and outside the meeting. Teresa feels action needs to be taken as her livelihood revolves around this city and she gives 110% every day. The city is a family and Amanda has turned that upside down for every department. The meetings are looking uneven and the way she is pointing fingers and trying to stop the meetings. Teresa stated she didn't know what her agenda is and has never made clear what she is trying to say and she continues to pick on departments. Teresa concluded by noting Amanda voted against the rate increase but voted for the wastewater budget which is what most of the rate increase was for. She thanked all of Council and mayor for what they do.

David McClain, Buhl, ID and owns a business along with his wife. He noted based on what Teresa just said that Amanda, in two years, has not attend any trainings and has not tried to

educate herself yet throws accusations, unfounded and with no foundation, consistently. He added he was very disappointed in one Council person tonight that can be bullied in his business and then vote the way he did.

MEETING ADJOURNED – Kelly Peterson moved that the meeting be adjourned; Michael Higbee seconded the motion. There was no discussion. All voted yes. The meeting was adjourned at 8:35 PM.

Minutes prepared by Karen Drown, City Clerk