

CITY COUNCIL WORKING MEETING

NOVEMBER 14, 2022

203 Broadway Ave N

PRESENT:

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

PLEDGE OF ALLEGIANCE

CONFIRMATION OF QUORUM:

Autumn Jones confirmed a quorum.

PUBLIC HEARING #1

Michael Higbee asked the applicant to make a statement. Rae Ann Bower, Buhl, ID, stated she is requesting to annex 61.69 acres into the City of Buhl. She stated they are asking for the annexation because they would like to work with the city and not the county in the future regarding the property but currently there is no specific plan.

Amanda asked storage units on the property. Michael stated this application is for the annexation of the whole property not any specific uses.

Rae Ann mentioned the north end would remain how it is currently as ag.

Amanda questioned if there was a map. Jazmine stated it was provided in the staff report for the application.

Michael stated no one had signed up to testify.

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

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

Hearing was closed at 6:37 PM.

PUBLIC HEARING #2

Michael Higbee asked the applicant to make a statement. Rae Ann Bower, Buhl, ID, stated they would like to rezone the southern 11.89 acres to a B-3 zone. Jazmine Mills, Planning and Zoning Administrator, stated that as it was explained the Planning and Zoning board was overstepping their bounds when considering specific uses. She added the application needed to be considered only for the change of zone from an Ag-20 to a B-3 which allows all items listed in staff report.

Michael asked if there was any testimony in support of the application. Jacob Speck, Buhl, ID, stated he originally was not for this but doesn't want Ag-20 and silage pits.

He asked if there was any testimony in opposition of the application. Gail Lupton, Buhl, ID, stated her house adjoins this property on 2 sides. She stated that she had lived there since 1983 and is concerned that storage units would decrease her and her neighbor's property values.

He asked if there was any other testimony of the application. There was none.

He asked Rae Ann if she would like to rebut the testimony. She stated as a property owner she shares everyone's concerns. It was noted as a point of order that Jazmine provided in the staff report everything allowed in a B-3 zone.

Hearing was closed at 6:44 PM.

### PUBLIC HEARING #3

Michael asked the applicant to make a statement. Peggy Kidd, The Beach Tanning Co., stated her business does massage, tanning, and red-light therapy. She is trying to improve the property and have a place where Buhl residents won't have to drive to Twin Falls for these services. Kelly questioned what red light therapy is for; Peggy explained it was invented by NASA for the astronauts who are in space. It helps with healing joints and focus. She noted the front of the property had been paved just recently. Her vision is to make it friendly.

Michael stated there was no one signed up to testify. He asked if anyone would like to speak regarding this application. There were none.

Hearing was closed at 6:48 PM.

### PUBLIC HEARING #4

Michael asked the applicant to make a statement. Karen stated the last time this code was updated was in 2002, which allowed for drinks to be sold on Sundays. In 20 years, the types of events being held and businesses being opened have changed and this proposed code addresses those through the catering permit process. It also addresses the training of servers of alcoholic

drinks for identification of underage and intoxicated individuals and how to deal with those situations.

Michael asked if there was any testimony in support of the application. Rich White, Buhl, ID, stated he was neutral on this except for the server training. He explained that the requires a test and a fee and, on average, a server lasts 30 to 90 days. He added that in the six years that Magic Valley Brewing has been open, only two employees have come with training when they were hired. He suggested looking at non-testing trainings like the one ISP put on in the council chambers and look at a timeline to complete the training.

Chief Engbaum responded by stating ISP puts on a free online training with testing and when complete is issues a certificate. It can be found at [isp.idaho.gov](http://isp.idaho.gov).

Paola Navarro, Buhl, ID, stated a concern with the hourly cost to pay an employee to take the training and tests. She noted, in 17 years of business, her parents' business of El Cazador has had no citations. She added that Trout's, in 23 years, had no citations. She questioned if this is going above the State's requirement and for what reason.

Gloria Navarro, Buhl, ID, stated all of this is going to bring chaos to all. If someone who has started the problems then the city should go to that business and work with them. They hire high schoolers and help them to gain experience. If a business is having a necessary problem then there would be a reason for this. She stated that workers will go somewhere else to work where it is not required like Twin.

Coke La Combe, Buhl, ID, stated he worked in Jackpot for many years and he had to be TIPS certified. He stated it is providing a tool to the business to license up against the training. He added it is not hard.

LaMae Burrell, Buhl, ID, stated she is not against taking a test but a server doesn't need to know all the State codes. She stated a manager, shift manager, or store owner should be certified and train others. The new generation will want the hourly wage paid for taking a test online or otherwise.

Karen noted the proposed code states the certification is not required until July 1<sup>st</sup> of next year or 60 days of when a server starts.

Michael asked Karen if she had anything to rebut. She stated she understood the concerns with paying the wage of an employee for training, she noted the city has many positions where certifications are required and has also seen how that can make it hard to get employees.

Hearing was closed at 7:16 PM.

#### PUBLIC HEARING #5

Michael asked the applicant to make a statement. Karen stated this code was last update in 1972 and again the types of public events being held now is not addressed in the current code. This would bring the code current and fall into place with other cities and the State for required permits regarding public events and open containers throughout the city.

Council questioned what was being changed. Karen noted there are businesses and events taking place that allow Bring Your Own Beverages (BYOB) and currently these types of events do not require a catering permit because of the current open container law. It was questioned if this includes businesses or private establishments. Karen stated any public event at any business establishment location without a current license or park where alcohol is dispensed; including parking lots. It does not require anything at a private residence. Amanda stated she feels like we are over stepping and questioned a business who has a license in Twin Falls, but comes to Buhl and serves. Karen stated under the proposed code they would need a catering permit, but currently events are held as BYOB as code does require a permit. Amanda questioned if the state requires a catering permit. Karen stated anytime a licensee dispenses off of their licensed premises, they need a catering permit.

Rich White, Buhl, ID, stated his concerns with this proposed ordinance are the tables he has out front of his business and the Sagebrush Days events.

Michael asked if there was any other testimony for this application. There was none.

Michael asked Karen if she had anything to rebut. She responded to Rich's concerns that the tables in question fall within the map he has provided to the State with his application, so they fall under his licensed premises. The Sagebrush Days events would be handled as they have in the past and come before Council as that is code for them to approve alcohol in the park. The only change would be to the layout of the catering permit application, which would require additional information that falls under the Alcoholic code that was in the previous hearing.

Hearing was closed at 7:31 PM.

#### CONFIRMATION OF QUORUM:

Autumn Jones confirmed a quorum.

#### CONSENT AGENDA:

1. Minutes of October 24, 2022 – Working Meeting

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

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

#### ENGINEER REPORT

Scott reported that he is working with Public Works and reviewing infrastructure to use ARPA and city funds on a water project. He is working with the URA for a project on Fair Street for curb, gutter, and sidewalks. He has also been working with URA and the Planning and Zoning Board for the URA Plan Amendment which will be coming before Council at the December 12<sup>th</sup> meeting. Scott stated that the signs for the Wilbur-Ellis have gone up and are working well. Amanda asked why the signs were cemented in and not just on bases. Scott stated the way they were done is the right way to do it to be safe and legal. Amanda commented that it was briefly talked about but not officially discussed. Scott stated that the signs are at Wilbur-Ellis's expense. Amanda also mentioned an email regarding the post that was sent and there had been no reply. Scott stated people should submit their comments in writing. He concluded this is all about safety. He updated that Harvest Hills is still working on infrastructure and running a little behind.

#### UNFINISHED BUSINESS

There was no unfinished business

#### NEW BUSINESS:

##### Review and Consideration of Public Testimony on Annexation for BBR Investments Ordinance:

All members of the City Council having been furnished a copy of the proposed Ordinance No. 1013 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. Kelly seconded the motion. There was no discussion. Marla voted yes, Michael voted yes, Amanda voted no, and Kelly voted yes. The motion passed.

Marla moved to approve Ordinance No 1013 approving the annexation for BBR Investments. Kelly seconded the motion. Michael read the title. Kelly questioned if the other property is included in the annexation. It was stated the other owner was not present and the annexation was

only for the property owned by BBR Investments. Kelly questioned that the primary purpose for the annexation. Rae Ann Bower stated the City is easier to deal with than the County. Amanda stated she is worried about it and the City needs to pump the breaks and mentioned the blow back from what was annexed before becomes our problem and take on those problems. She noted the annexation that took place in February and that she didn't do her homework for it. Amanda noted she had requested the minutes from the Planning and Zoning a week prior. Michael noted we need to be careful of what we say in a public meeting about property owners. It was stated the annexation application needed to be considered based on planning and zoning recommendations needs to be considered regardless of the neighbor's actions. There was a roll call vote. Marla voted yes, Michael voted yes, Amanda voted no, and Kelly voted yes. The motion passed.

Review and Consideration of Public Testimony on BBD Investments LLC for zone change from Ag-20 to B-3: Kelly moved to approve the rezone from Ag-20 to B-3. Marla seconded the motion. Kelly questioned BBR Investments' plans for the property. There was a discussion about traffic on the county road, and the best access point onto the property, and about adequate water and sewer capacities. Andrew Wright questioned if there is a lot split to be completed if this is rezoned that the ag land could potentially be de-annexed. Scott stated then the portion in question would not be contiguous to city limits, he added that cannot be allowed if not contiguous. Michael questioned could the ag land have a silage pit. Scott added that Planning and Zoning needs to take a look at the lists currently in code as there are a number of uses not on the list. Scott mention if it was a hot topic, it would go before Planning and Zoning and City Council. It was noted there is currently a lot split application in the Planning and Zoning Department. Andrew noted that Council will not have a say down the road when county takes over the area of impact. It was also noted this is why the Building Department is vital. Michael started to table the agenda item; Autumn noted there is a motion on the floor that needs to be voted on. There was no further discussion. Marla voted no, Michael voted no, Amanda voted no and Kelly voted yes; the motion failed.

Review and Consideration of Public Testimony on Whitson LLC/The Beach Tanning Co. for zone change from I-1 to B-3: Marla moved to approve the rezone for Whitson LLC/The Beach Tanning Co. Kelly seconded the motion. Michael commented it fits the other areas around. 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 Public Testimony on Liquor Control Ordinance: All members of the City Council having been furnished a copy of the proposed Ordinance No. 1014 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. Kelly seconded the motion. There was no discussion. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed.

Michael moved to approve Ordinance No 1014 approving the updating of the Liquor Control Ordinance. Kelly seconded the motion. Michael read the ordinance title. Chief Engbaum noted that each server is responsible for who they serve. This protects the owners, as a business they have the liability. He added the police department is seeing a change and this would help and have employees better informed. Amanda stated she felt this portion was over stepping since the State doesn't require it and would like to see it taken out. Marla agreed this was also over stepping. Michael questioned the current code. Karen noted there are no training requirements. Rich White discussed the fines that are on a business if they are caught serving under age or over serving. He detailed an event at his establishment of a gentleman that looked fine, but was not and Rich received a fine for neglecting to remove the beer from in front of the patron. Kelly stated driver's licenses are requirement of a job and understands it is hard to find employees, but stated it could be a requirement to serve and get the job. Chief Engbaum noted, as a City, we can enact laws that go beyond the State law. He noted the records prove diligence, but this is trying to get ahead of what is coming.

Michael stated he deals with controlled substances everyday and this makes perfectly good sense. He felt if the items on the list are not happening by a server it is a big problem. He stated those minimums are not huge when he is driving with his family. He added this was brought to our attention by ISP and we are trying to do what is right. Marla suggested double up what the State says. There was no further discussion. Marla voted no, Michael voted no, Amanda voted no, Kelly voted yes. The motion failed. It was asked to be on the regular session in December.

Review and Consideration of Public Testimony on Open Container Ordinance: All members of the City Council having been furnished a copy of the proposed Ordinance No. 1015 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. Michael seconded the motion. There was no discussion. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed.

Michael moved to approve Ordinance No 1015 approving the updating of the Open Container Ordinance. Kelly seconded the motion. There was a discussion about the proposed ordinance and the process that should take place if someone tries to leave a licensed establishment. It was noted the licensee is supposed to stop them. Rich White stated in some ways this helps and has its

benefits. There was no further discussion. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes. The motion passed to adopt Ordinance No. 1015.

Review and Consideration of Door-to-Door Permit for Reve, LLC DBA DeBella: General Manager Carson Jones with Reve appeared before Council. He explained he works for the canvas department and the employees are paid hourly to go to residences and show them what is wrong with their homes. Amanda moved to approve the license. Kelly seconded the motion. Kelly questioned the company identifies roofing, siding, windows, and bath. Carson clarified the individual is there to identify and setup an appointment at the home for the contractor to come review, bid, and do the work. Michael noted a big reason we do this is so code enforcement knows and to keep our community safe. It was asked of Rick Brook's experience with this company; he noted it has been difficult to get them in here for the application. Chief Engbaum was also questioned; Chief Engbaum stated he has a problem with the attitudes of the salesmen who have been told to stop several times. Carson stated the he would hold the salesmen accountable and would provide his contact information if there are any problems. Autumn noted citizens have questioned the company regarding their permit and the salesmen were rude and possibly be arrested in the lobby of city hall. Marla also noted they had come to her house and she was treated very rudely. It was questioned if a problem arose once a permit is approved. Karen stated it would come back before Council for reconsideration. There was no further discussion. Marla voted yes, Michael voted yes, Amanda voted yes and Kelly voted yes. It was noted that with the first problem the permit could be revoked.

Presentation and Update from Harvest Moon Man and Machine Car Show: Coke La Combe with Harvest Moon Car Club came before Council to update them on the annual car show and made a presentation to this year's charity. He noted throughout the three years of the event, they have raised more than \$15,000. This year they would like to present Buhl Youth Sports \$5,077. He stated they look forward to the continued support. Michael noted the club is always good to work with the city.

Update from Rural Economic Development Services (REDS) Director: Mary Hollenbeck, the new director for REDS wanted to come out and introduce herself and let everyone see her face. She will be working on Operation Facelift this spring. She did note her office is now housed with Region IV Development.

COUNCIL COMMENTS: Marla questioned how to change code to get parks included. Scott stated it starts with Planning and Zoning. He noted it is a process we want to get right the first time and added Buhl is going to grow, so things need to be looked at. The process would include joint meetings, public hearings, and final approval by City Council. There was a discussion and Autumn requested that each Council member bring a specific list of items they

would like to see. Scott explained there are many options for parks and even include using the runoff retention areas. He stated Jazmine is doing wonderful and is great at compiling the information for review.

Amanda questioned an RV trailer at 600 11<sup>th</sup> Ave N and a complaint that was received 3 months ago. Karen stated she would have to check into it a report back.

Amanda asked if the Planning and Zoning minutes could be a part of future consent agendas. Karen stated they could and she would get them on the website.

CITIZENS COMMENTS: There were none.

MEETING ADJOURNED – Amanda Hawkins moved that the meeting be adjourned; Kelly Peterson seconded the motion and all were in favor. The meeting was adjourned at 9:22 PM.

Minutes prepared by Karen Drown, City Clerk