

CITY COUNCIL SPECIAL MEETING

AUGUST 7, 2023  
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	Maegan Hanson	Library Director
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: Mayor McClain opened the public hearing at 6:30 PM. She asked the applicant to make a statement. Autumn stated the proposed utility increases included \$0.45 for water usage and \$2.50 for sewer usage for overall increase of \$2.95. This would increase the base residential rate from \$144.75 to \$147.70 per month and increase of 2.04%, renter account from \$80.20 to \$83.15 for an increase of 3.68%. Autumn stated the bonds would remain the same.

Mayor McClain stated there was no testimony in support, against or neutral as no one signed up to speak.

The hearing was closed at 6:33 PM.

CONFIRMATION OF QUORUM:

Karen Drown confirmed a quorum.

CONSENT AGENDA:

1. Minutes of July 24, 2023 – Working Meeting
2. Monthly Claims for Payment
3. Clerk Report
4. Treasurer Report

Kelly Peterson moved to approve the consent agenda. Marla Sisson seconded the motion. Amanda noted the section on the appointment of the planning and zoning member did not have the vote listed. Michael confirmed it was unanimous. Karen stated she had it in her notes it just didn't get listed. Amanda question an account that still has Reba Puente. Karen confirmed that is on a credit card that is in the process of being switched with the banks. There was a roll call vote. Kelly voted yes, Amanda voted yes, Michael voted yes, and Marla voted yes. The motion passed.

#### UNFINISHED BUSINESS

There was no unfinished business.

#### NEW BUSINESS:

Review and Consideration of Utility Rate Resolution: Michael moved to adopt Resolution No. 438. Marla seconded the motion. Michael asked Autumn to explain how the rate committee came to the amount. Autumn explained the rate committee meets in June and they look at the current fiscal year using an the first 6 months of expenses and projections for the remaining 6 months with any shortfalls and what line items need to increase and why. With the projected budget for fiscal year 2023-2024 the water budget will be short \$9,621, wastewater budget will be short \$54,149, and the sanitation budget will be over \$13,988. The recommendation was to keep the extra in sanitation in a contingency to cover unknown landfill costs and unfilled positions and possible training. Autumn also stated they look at Capital improvement fees and Bonds fees; there was no recommendation to increase these as they are right where they should be. Mayor McClain asked Autumn to explain who is on the rate committee.

Amanda stated the rate committee was not aware of the extra rates; and gives extra money to play with and need to look at the citizens. She questioned if we needed a rate committee at all and stated it is not normal at all. She added she had talked to AIC and they have never heard of anything like this. Autumn noted the rate committee did know about the extra \$13,988 as it was on the spreadsheet presented at the rate committee meeting. Amanda questioned the additional amount being \$11,509 from the L-2. Autumn stated the L-2 has nothing to do with this discussion as the L-2 form is how the city levies property taxes and property taxes cannot be used in the Utility Fund. Amanda questioned the capital improvement fund; Michael explained that fund is used to put pipe in the ground. He noted the governmental funds and enterprise funds cannot be mixed and by law they must be separate. Amanda stated there are extra revenue from other sources and the city has moved funds to different funds. Autumn and Michael questioned Amanda as to what money was moved between property taxes and utility funds, Autumn noted that is illegal. Amanda questioned how we are moving \$100,000 from capital improvement fund to utilities for a skid steer. Autumn stated that was not happening. Autumn stated the \$100,000 is coming from the utility fund balance to pay for an excavator. Mayor McClain explained to those in attendance how council works ad nauseam on the budget and there are rules the city has to follow. The city is not doing anything illegal. And there is no one up on the bench that is going

to get this city in trouble. She wanted it to be clear to those in attendance and could see how they could leave with misconceptions and that is not going on. Kelly asked Autumn to explain the difference between Governmental Funds and Enterprise Funds. Autumn explained Enterprise Funds have to be self-sustaining and Governmental Funds are supported by property taxes which are certified by the L-2 and the two funds cannot cross. Autumn summarized a workshop she attended at the June AIC conference that covered the power of your utility rate review and the presenter commended Buhl on having such a committee and other cities have similar things. Mayor McClain noted that AIC is not our attorney, and added the city attorney is in the room. Mayor McClain explained the Rate Committee includes members of the community that live and work here. Kelly asked if Amanda wanted to make a motion to dissolve the Rate Committee. It was noted that was not on the agenda so action could not be taken on that. Amanda asked to have that on the next agenda. Michael stated he had gone back through the utility departments and looked at costs. He added over the years they have looked at smaller increases and have been super small and a lot of the savings have been from being understaffed. He stated the increases are in gas and oil, power, ICRMP costs, workers comp insurance, and chemicals. Jason and Autumn noted there has been a 165% increase in chemicals in wastewater that is why there is a deficit. Michael noted the city is not saving money because of cost decreases but saving because we haven't had the staff. Student fees going up 33% this year at the school. Michael stated the increase doesn't create a lot of money, and department heads have cut down where they can. Amanda stated last year's rate increase was not small and stated the bond was reallocated and if it had been on the property taxes it would have dropped off. She added between last year and this year would be over a \$9.00 increase the last two years. There was a discussion about the SRF bond and it being voted to be on the utility bill. Michael questioned Amanda as to why she is acting like we are hiding money somewhere and it is the furthest from the truth and questions were not brought up. There was a discussion between Michael, Mayor McClain, and Amanda and all were speaking at the same time.

Scott asked to add something about the future. He noted two major pending issues within the wastewater department of temperature and phosphorous that could emerge in the coming years, but had a number of variables that staff have concerns about. He stated the current bonds are from EPA rules and the city doesn't have bonding capacity to cover the costs of any new requirements. When the current bonds went into effect the city was governed by EPA rules, now the state does local regulations which changed a couple years ago. Amanda asked if every city could have these regulations. Scott noted only cities that discharge into the Snake River. Michael questioned how our public works department is ran compared to others. Scott stated the staff does a remarkable job; Buhl has not experienced issues/failures that other cities have. Scott noted before the current bonds were in place the city was looking at \$1.5 million in fines and in a meeting with EPA the mayor at the time physically handed the keys to the city to them and said take it we don't have the money. He concluded that other cities that were not as aggressive with the improvements as Buhl and waited and therefore got grants. Buhl did apply for grants but they were declined as the issues were taken care of through bonds so grants were not an option. There

was no further discussion. There was a roll call vote. Marla voted yes, Michael voted yes, Amanda voted no, Kelly voted yes. The motion passed.

Review and Consideration of TRIBE Back to School Movie Night Event in Eastman Park after Closing Hours: Alisa Atkinson presented her plan for the School Movie Night Event. The event would start at 9 PM and they would have concessions. She requested to have the bathroom in the park unlocked and available. She noted last year they had about 300 people attend. Michael moved to approve the event after park hours. Amanda seconded. It was questioned the movie and Alisa said the kids will get to vote. Jason noted he will just have to adjust the bathroom lock timer. 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 First Federal Signers Resolution: Kelly moved to accept Resolution No. 439 for the signers on the First Federal account. Marla seconded the motion. There was no discussion. There was a roll call vote. Amanda voted yes, Kelly voted yes, Marla voted yes, and Michael voted yes. The motion passed.

Final Review of 2023-2024 Proposed Fiscal Budget: Autumn noted specific motions would need to be made for any set aside amounts.

Administration:

Michael moved to approve \$7,500 in Admin line item 10-415-593 for set aside for HVAC replacement units. Kelly 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 \$7,500 in Admin line item 10-415-595 for water heater replacement. Marla seconded the motion. Amanda questioned if this was in last year's budget. Karen noted it was as the savings cost was split between two years and that it is a very large water heater. There was no further discussion. There was a roll call vote. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes.

Michael moved to approve the expense of \$300,000 in Admin line item 10-415-950 for payment to the Buhl Rural Fire Protection District. Marla seconded the motion. Michael noted if anything happens in that contract it would be returned at a prorated amount. There was an explanation to those in attendance the switch from the Joint Management Agreement that the city administered to the new contract that the Buhl Rural Fire Protection District will administer. There was no further 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.

Michael moved to approve the draft Admin budget and move to public hearing. Kelly seconded the motion. Amanda wanted to note there had been a lot of discussion about wages and information to employees. She stated three things should be looked at when considering wages, market value, cost of living, and merit increases which have not been broke down for Council. She stated someone could be a really bad employee and still get a market value increase or cost of living increase. Michael noted only if it is provided for in the budget but is not mandatory. She added she spoke to risk management and AIC, that they said there is a proper way to do things and ways to get in a lawsuit. There was a disagreement about the process. Amanda explained that market value was a level up. There was a discussion of the ranges the city has for positions. Michael stated we do not pay people we pay positions. Michael stated Council talked to admin and department heads and sent out surveys that Amanda had requested and the consensus was employees would like more wages and cannot fill positions. He stated to Amanda's presentation is accusatory. Michael explained of an example of when he disagreed about the appointment of the treasurers position and he would never hire someone without a CPA degree, but Autumn has done well and proved him wrong. Michael questioned Amanda over items she has brought up that she has disagreed with but then never wants to talk about it. Amanda stated she has brought up items but there was executive session items and employees brought up that needed not to be rehashed. There was a disagreement between Amanda and Michael about getting fire district information a year ago. Marla stated she is frustrated as Amanda never made a specific motion and Council is a body. Amanda stated it was time to move on, Mayor McClain stated she ran this meeting, and Michael questioned why Amanda gets to decide when to move on. There was no further discussion. There was a roll call vote. Amanda voted no, Kelly voted yes, Marla voted yes, and Michael voted yes.

#### Planning and Zoning:

Michael moved to approve the draft Planning and Zoning budget and move to public hearing. Kelly 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 no. The motion passed.

#### Code Services:

Marla moved to approve the draft Code Services budget and move to public hearing. Kelly seconded the motion. Michael noted nothing is going to change in voting no if Amanda doesn't try to tell us why or specific reason. There was no further discussion. There was a roll call vote. Marla voted yes, Michael voted yes, Amanda voted no, Mayor McClain asked if she wanted to state why. Amanda stated she doesn't agree with items put before Council and already stated her exact reasons why; Mayor McClain stated maybe we have that on the record but doesn't remember the reasons. Kelly voted yes. The motion passed.

#### Police:

Kelly moved to approve the draft Police budget and move to public hearing. Marla seconded the motion. Marla questioned that one position was changed from a 3% to a 5% increase. Autumn noted the L-2 provided additional funds so that was available. There was no further discussion. There was a roll call vote. Michael voted yes, Amanda voted no, Kelly voted yes, and Marla voted yes. The motion passed.

#### Parks and Rec:

Marla moved to approve the draft Parks and Rec budget and move to public hearing. Kelly seconded the motion. Autumn noted this budget did include the increase for returning and changing of wages for lifeguards. Mayor McClain stated a sincere thank you to Teresa Robbins, the office staff, and the parks department for getting the pool up and running and open this summer and working hard to have it open 7 days a week and that Council voted in favor of that. 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. Amanda stated this is the only budget sheet that makes any sense at all.

#### Police Forfeiture:

Kelly moved to approve the draft Police Forfeiture budget and move to public hearing. Amanda 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.

#### Streets:

Michael moved to approve the expense of \$348,351 in the Street line item 20-431-953 for the Burley Ave Project set to go to construction in 2024. Kelly seconded the motion. Jason noted the estimated cost for this project is \$4.6 million and Kelly confirmed the city only pays \$0.07 per dollar for the project. 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.

Michael moved to approve the draft Streets budget and move to public hearing. Kelly seconded the motion. There was no discussion. There was a roll call vote. Amanda voted no, Kelly voted yes, Marla voted yes, and Michael voted yes.

#### Library:

Marla moved to approve the draft Library budget and move to public hearing. Michael seconded the motion. Marla questioned if there was any way to look at a door for the directors' office and other doors with locks. Autumn noted she had discussed this with Maegen and they are looking in the current year's budget either in the renovation project funds or building maintenance in the proposed budget. There was no further discussion. There was a roll call vote. Kelly voted yes, Marla voted yes, Michael voted yes, and Amanda voted no. The motion passed.

#### Airport:

Marla moved to approve the draft Airport budget and move to public hearing. Kelly seconded the motion. There was no discussion. There was a roll call vote. Kelly voted yes, Amanda voted yes, Michael voted yes, and Marla voted yes.

#### Contingency:

Michael moved to approve the draft Contingency budget and move to public hearing. Kelly seconded the motion. Amanda questioned if this was for Seneca property. Autumn confirmed that or for any litigation against the city. There was no further discussion. There was a roll call vote. Marla voted yes, Michael voted yes, Amanda voted yes, and Kelly voted yes.

#### Water:

Kelly moved to approve the draft Water budget and move to public hearing. Marla seconded the motion. There was no discussion. There was a roll call vote. Michael voted yes, Amanda voted no, Kelly voted yes, and Marla voted yes.

#### Sanitation:

Marla moved to approve the draft Sanitation budget and move to public hearing. Michael seconded the motion. There was no discussion. There was a roll call vote. Amanda voted no, Kelly voted yes, Marla voted yes, and Michael voted yes. The motion passed.

#### Wastewater:

Kelly moved to approve the draft Wastewater budget and move to public hearing. Michael 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.

#### Utility Grants Funded Projects:

Kelly moved to approve the draft Utility Grants Funded Projects and move to public hearing. Marla seconded the motion. Kelly questioned if the city had heard anything from the Veterans Cemetery. Scott noted the city has heard nothing in months. Mayor McClain commented she had heard from people on the care of the facility and she added this is not the city and they are using a water truck to water the grass. Teresa explained they installed a pressurized sprinkler system and use their irrigation which is consistently getting clogged. Scott added there had been some changes in their administration and when that happened all communication ended. Scott noted this project would have been the city providing the design and the Veterans Cemetery providing all the financing. It was commented that there were vault toilets on site but Scott they were not very successful. Amanda stated that wasn't the only thing list on this budget. 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.

Autumn noted the public hearing for Fiscal Year 2023-2024 budget would be on August 28<sup>th</sup>.

Mayor McClain thanked Autumn, office staff, and department heads for their hard work. Kelly questioned if Autumn's L-2 projections were a record. He also thanked Autumn and Karen and the department heads as there is a finite amount of money and he does appreciate the hard work to make it possible.

COUNCIL COMMENTS: Marla questioned Chief Engbaum about the incident at the library and if there was a way to handle it. Karen asked if she could give an update on this. She noted that after discussing with Andrew Wright when the individual returned the second day he was provided the library behavior rules, which have also been posted at the library, there has been no further incidents. The library board is reviewing the behavior policy for any updates needed to the policy.

Amanda asked if the police and fire department reports could be provided to the Chamber of Commerce. She stated Jeanette had requested and not seen anything. Karen noted that request have never been made to the administration office. It could be looked into.

Amanda noted that the pay stubs were not showing the full date at the top. Autumn noted Caselle had done an update a few months prior and it was an error in the update. She was working on getting it corrected with them.

Mayor McClain announced the September 25<sup>th</sup> working session would be a town hall meeting. Senators and Legislators had been invited to discuss House Bill 389, House Bill 314 and any other hot topics they see for the upcoming legislative session.

Mayor McClain also noted that if anyone knew Daron Novoty, who has already left, that she was informed he was blowing up her email, but wanted him to know she is not receiving anything from him so he might have the wrong or old email. She added she is at city hall on Thursday's.

Michael stated the 12 years he had been on city council he has never heard more good things than on the new walking path. People have been stopping by his house and business to give congrats and thank you's on the pathway. Mayor McClain gave kudos to the public works department and stated they stayed ahead of the construction crews, what an asset for the city and told Regie Finney people are very happy about it. It was noted the length of the pathway was 2.1 miles. Mayor McClain stated she is working with a group for grants for water stations for bottles and pet waterers along the path. Amanda has had several business owners come and say how good the city crew was to work with on the improvements

MEETING ADJOURNED – Michael Higbee moved that the meeting be adjourned; Amanda Hawkins seconded the motion. There was no discussion. All voted yes. The meeting was adjourned at 8:06 PM.

Minutes prepared by Karen Drown, City Clerk