

**City of Heyburn Council Meeting**  
**Wednesday, January 09, 2019**  
**7:00 P.M.**

**Mayor:** Mayor Cleo Gallegos.

**Council Present:** Chad Anderson, Dick Galbraith, Joanne Justesen, and Rose Schmitt.

**Employees Present:**

Tony Morley, Ashlee Langley, and Paul Ross.

**Welcome & Pledge**

Meeting conducted by Mayor Cleo Gallegos who welcomed everyone to the meeting.

Mayor Gallegos asked Councilman Chad Anderson to lead those present in the Pledge of Allegiance.

**Discuss / Consider Minutes of the November 15, 2018 Special Council Meeting & the December 12, 2018 City Council Meeting & Public Hearing - ACTION ITEM**

Motion by Joanne Justesen to approve the minutes of the November 15, 2018 Special Council Meeting & the December 12, 2018 City Council Meeting & Public Hearing as presented.

Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Paying the Bills – ACTION ITEM**

Motion by Dick Galbraith to approve the bills as presented including the bill to Petersen Brothers Construction in the amount of \$236,554.24. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Proclaiming January 20-26, 2019 as School Choice Week in Heyburn - ACTION ITEM**

Mayor Gallegos stated she received an email back in December 2018 from an Andrew Campanella, President of National School Choice Week. Mr. Campanella asked the city to consider officially recognizing January 20-26, 2019 as School Choice Week in Heyburn.

Motion by Chad Anderson to approve the Proclamation as presented proclaiming January 20-26, 2019 as School Choice Week in Heyburn. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider the Wastewater Collection System Plan prepared by J-U-B Engineers, Inc. and approved by Idaho Department of Environmental Quality for improvements to the City's Wastewater Collection System with motion to approve Alternative Number 1 or 2 – ACTION ITEM**

Those present continued the discussion from the December 12, 2018 city council meeting regarding the Wastewater Collection System Plan prepared by J-U-B Engineers, Inc.

Ivan McCracken, Project Engineer for J-U-B Engineers, Inc. was present to address concerns from the city council. HD and Forsgren also had reviewed and while some additional information was needed for their work, the Plan was sufficient to be approved to move forward.

Motion by Joanne Justesen to approve the Wastewater Collection System Plan prepared by J-U-B Engineers, Inc. as presented selecting Alternative Number 1. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Property Purchase at 2050 O Street – ACTION ITEM**

City Administrator Tony Morley stated the City has signed a Real Estate Purchase and Sale Agreement with the seller and needs the city council's approval to officially close on the property located at 2050 O Street. Mr. Morley stated a title search is being conducted and the irrigation assessments have been sent to the title company and will be dealt with in closing.

Motion by Joanne Justesen to approve the purchase of the property located at 2050 O Street in the amount of \$60,000. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Development Agreement with PR Enterprises, LLC and Terra Firma Development, LLC for the The Boulevard – ACTION ITEM**

City Attorney Paul Ross stated the City and the Developer have been exchanging emails back and forth on the Development Agreement with PR Enterprises, LLC and Terra Firma Development, LLC for The Boulevard. Mr. Ross stated the agreement is not ready for city council's approval at this time.

After a brief discussion, this item was tabled.

**Discuss / Consider Resolution No. 2019-1 Adopting Explanation and Procedure for Conducting Public Meetings and Hearings – ACTION ITEM**

City Attorney Paul Ross stated the Resolution being presented tonight lines out the procedure for conducting public meetings and hearings. Mr. Ross presented the resolution to start the discussion of what the City would like to put into place regarding meeting procedures. Question arose whether zoning code provided any conflict with the Resolution.

After a brief discussion, this item was tabled for the next meeting after review of the zoning issue.

**Discuss / Consider J-U-B Engineers, Inc. Comprehensive Plan Update Exhibit A - Scope of Services, Schedule, and Basis of Fee – ACTION ITEM**

City Administrator Tony Morley presented Exhibit A – Scope of Services, Schedule, and Basis of Fee from J-U-B Engineers, Inc. for the Comprehensive Plan update to those present. Mr. Morley stated the cost for the plan update came in at \$62,700. Mr. Morley stated if the city council wishes they can move to the next highest scoring firm to get a quote to see if the price is more in line with what the City would like to pay for a plan of this type.

Ivan McCracken, Project Engineer for J-U-B Engineers, Inc. was present to answer any questions.

Motion by Joanne Justesen to approve Exhibit A-Scope of Services, Schedule, and Basis of Fee with J-U-B Engineers, Inc. for the Comprehensive Plan Update with the stipulation that the contract be modified to include language regarding the City owning the GIS data as well as the modeling once the project is complete. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Framing Bids for Street Department Building Offices – ACTION ITEM**  
After review and discussion regarding the bids, this item was tabled.

**Discuss / Consider Peterson Brothers Construction Change Order #003 for Interior Build-Out Plumbing Rough-In for the Street Department Building – ACTION ITEM**

Motion by Dick Galbraith to approve Change Order #003 item number 1 in the amount of \$3,785 with Peterson Brothers Construction for the Underground Rough-in for the Street Department Building. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Mechanical Bids for the Street Department Building – ACTION ITEM**

Motion by Dick Galbraith to approve the bid from Ramsey’s Heating & Electric in the amount of \$19,286 for the mechanical work needed on the Street Department Building.

Motion did not stand due to the lack of a second.

After further discussion, Mr. Galbraith withdrew his motion.

**Discuss / Consider Plumbing Bids for the Street Department Building – ACTION ITEM**

After discussion, this item was tabled.

**Discuss / Consider Repair to Well #2 as quoted by Layne Pumps, Inc. – ACTION ITEM**

Motion by Dick Galbraith to approve the repair work needed to Well #2 in the amount of \$20,678 as quoted by Layne Pumps, Inc. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Commercial Alarm System Agreement with Peak Alarm Company, Inc. -ACTION ITEM**

Motion by Dick Galbraith to approve the Commercial Alarm System Agreement with Peak Alarm Company, Inc. with the condition that City Attorney Paul Ross resolves the two areas of concern. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

### **Mayors Time & Committee Reports**

Mayor Gallegos thanked Dan Bristol and his officers for their services, announcing today is National Law Enforcement Appreciation Day.

Mayor Gallegos reminded the city council of the rate increases that go into effect on the January 2019 billing cycle.

**Comments from the Public (Each person has 3 min. to comment).**

Mayor Gallegos opened this time up to the public for additional comments.

**Executive Session**

**Pursuant to Idaho Code 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency; (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement. – ACTION ITEM**

Motion by Joanne Justesen to go into Executive Session as per Idaho Code 74-206(1)(f) Litigation. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Executive Session Minutes**

The Executive Session was conducted by Mayor Cleo Gallegos. The topic was a matter of (f) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

The Executive Session began at 8:55 PM. No decisions were made.

Motion by Dick Galbraith to adjourn executive session. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Executive Session returned to open session at 9:04 PM.

**Motion to Adjourn**

Mayor Cleo Gallegos asked for a motion to adjourn the meeting.

Motion by Dick Galbraith to adjourn the council meeting. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

The council meeting adjourned at 9:04 PM.

Cleo Gallegos  
Mayor

Ashlee Langley  
City Clerk/Treasurer