

City of Heyburn Council Meeting
Wednesday, January 10, 2024
7:00 P.M.

Mayor: Mayor Dick Galbraith.

Council Present: Chad Anderson, Cleo Gallegos, Rose Schmitt, and Rick Tundag.

Council Elect Present: Joanne Justesen, and Stegen Phillips.

Employees Present:

Paul Ross, Tony Morley, Ryan Bertalotto, Cole Kuta, David Roundy, Noah Shiner, Ririe Thomander, Jesus Garcia Jr., Ivan McCracken, and Ashlee Langley.

Welcome & Pledge

Meeting conducted by Mayor Dick Galbraith who welcomed everyone to the meeting and led those present in the Pledge of Allegiance.

Old Business

Discuss / Consider Minutes of the December 27, 2023 City Council Meeting

– ACTION ITEM

Those present reviewed the minutes of the December 27, 2023 City Council Meeting.

Motion by Chad Anderson to approve the minutes of the December 27, 2023 City Council Meeting as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye; Rick Tundag – Abstain.

Discuss / Consider Paying the Bills – ACTION ITEM

Those present reviewed the proposed bills.

Motion by Cleo Gallegos to approve the bills as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Oath of Office Ceremony for Jesus Garcia Jr.

Mayor Dick Galbraith swore in newly hired Police Officer Jesus Garcia Jr. Those in attendance extended a warm welcome to Officer Garcia.

Discuss / Consider FY 2022-23 4th Quarter Treasurers Financial Report – ACTION ITEM

Those present reviewed the Fiscal Year 2022-23 4th Quarter Treasurers Financial Report.

Motion by Chad Anderson to approve the Fiscal Year 2022-23 4th Quarter Treasurers Financial Report as presented. Second by Cleo Gallegos. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Consider FY 2023-24 1st Quarter Treasurers Financial Report – ACTION ITEM

Those present reviewed the Fiscal Year 2023-24 1st Quarter Treasurers Financial Report.

Motion by Rose Schmitt to approve the Fiscal Year 2023-24 1st Quarter Treasurers Financial Report as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Review Department Reports for December 2023

Those present reviewed the Department Reports for December 2023.

New Business

Swearing in of Councilmembers

City Clerk Ashlee Langley swore in newly elected council members Joanne Justesen and Stegen Phillips.

Discussion and Training Review

City Attorney Paul Ross delivered a concise training session to inform attendees and council members about the duties and responsibilities of elected officials. During the presentation, Mr. Ross discussed key topics such as the importance of maintaining confidentiality, handling personnel matters, and adhering to proper conduct and expectations during council meetings.

Discuss / Elect Council President – ACTION ITEM

Mayor Galbraith requested nominations for the position of Council President.

Motion by Rick Tundag to nominate Chad Anderson to serve as Council President. Second by Joanne Justesen. Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Appoint Joint Powers Animal Control Board Member – ACTION ITEM

Mayor Galbraith inquired if anyone was interested in volunteering to serve on the Joint Powers Animal Control Board. After no volunteers came forward, the mayor approached Joanne Justesen and asked if she would be willing to continue her role as the city's liaison. Councilwoman Justesen graciously accepted the request.

Presentation on the Creation of a Minidoka Recreation District

Ginger Smith delivered a presentation to those in attendance regarding the potential establishment of a Minidoka Recreation District. Ms. Smith explained that if they could gather 2,000 signatures supporting the creation of the district, they would proceed with the initiative and aim to include it on the ballot, allowing voters to make the decision through the election process. Ms. Smith also mentioned that it is estimated that the full levy would result in an annual cost of \$19.75 for a home with a taxable value of \$253,000.

During the presentation, Ms. Smith discussed some of the City of Paul's ideas for the recreation district, including improvements and maintenance of the splashpad. The City of Minidoka

expressed the need to refurbish tennis courts, while the City of Acequia sought improved recreation opportunities and RV spaces.

Ms. Smith also shared a video from the City of Rupert highlighting the needs for the Rupert City Pool, with a focus on covering the pool to make it usable year-round.

Attendees engaged in a discussion about the City of Heyburn's interest in having a civic building if the district were to be formed. This building would serve as a hub for indoor sports, meetings, and community gatherings. Additionally, the district would assume responsibility for the Rupert Recreation District program.

Discuss / Consider Discover Area Guides Advertisement – Jack Johnson – ACTION ITEM
Jack Johnson presented a proposal to those in attendance for a two-page advertisement in the Discover Area Guides. Mr. Johnson informed the group that the cost for the two-page ad would be \$775, which reflects a \$25 increase compared to the previous year's price. During the meeting, council engaged in a discussion about updating the content of the advertisement for this year, with a specific focus on promoting the city's amphitheater.

Motion by Chad Anderson to approve advertisement in the Discover Area Guides in the amount of \$775 as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Ordinance No. 2023-681 Ordinance of the City of Heyburn Repealing Title 2 Chapter 5 and Creating New Title 2 Chapter 5 Establishing Policy for use of Public Easement by Providers, Providing Definitions, Outlining Application Fee and Cost Reimbursement, Business License Required, Permit Required, Applications, Traffic Control Plan, Road Closure, Terms and Conditions, Franchise or other Agreement Required, Lease or other Agreement Required, Relief, Fees and Compensation not a Tax, Nonexclusive Grant, Police Power, Regulation by the City, Codes, Compliance with One-Number Locator Service, Minimize Interference with Public Easement, Damage to Property, Notice of Work-Emergencies, Maintenance of Facilities, Relocation or Removal of Facilities, Moving a Building, Removal of Unauthorized Facilities, Emergency Removal of Facilities, Damage to Facilities, Restoration, Duty to Provide Information, Fiber Capacity, Insurance, Indemnification, Limitation of Damages, Security Fund, Construction Bond, Coordination of Construction Activities, Assignment or Transfer, Safety Requirements, Additional Ducts or Conduits, Non-Complying Work, City Engineer Approval, Trees and Landscaping, Above-Ground Facilities, Underground Construction and Boring Techniques, Fines and Penalties, Conflict, Severability, Publication by Summary, and Effective Date. – ACTION ITEM

Those in attendance reviewed Ordinance No. 2023-681 as presented. City Attorney Paul Ross provided details about the resolution and underscored the importance of having such a resolution in place to prevent future issues. Mr. Ross explained that there has been a growing demand to update and clarify the use of the city's rights-of-ways and easements.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2023-681 once by title for its first reading. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2023-681 once by title only.

Discuss / Consider Renaming 14th Street Drive and 14th Circle Drive– ACTION ITEM

City Attorney Paul Ross has confirmed that he has communicated with the Hellewell family. However, it was conveyed that the Hellewell family is not inclined to have the city use their name. Nonetheless, they have proposed alternative names for consideration. Additionally, Mr. Ross mentioned that Julie Gumm had expressed a desire to attend the meeting tonight, but she was unable to do so due to inclement weather conditions. Following deliberation, it was decided to postpone further consideration of this matter to facilitate additional dialogue with the family.

Mayors Time, and Committee Reports

Councilwoman Justesen presented an update from the latest Joint Powers Animal Control Board meeting to those in attendance.

Mayor Galbraith announced that the Street Division is currently undergoing training for the week, and during their absence, the Parks Division will be assisting with their responsibilities.

Comments from the Public: This time is designated for members of the public to address their city elected officials. Comments related to any Public Hearing(s) and land use items should be made during the public hearing for those specific items(s). Individuals will be limited to a maximum of three (3) minutes.

Mayor Galbraith invited members of the public to share their comments by opening the floor.

Comments made by one resident.

Executive Session

Pursuant to Idaho Code 74-206(1)(c) To acquire an interest in real property not owned by a public agency; and (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. – ACTION ITEM

Motion by Chad Anderson to go into executive session pursuant to Idaho Code 74-206(1)(c) and (f). Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Executive Session Minutes

The Executive Session was conducted by Mayor Dick Galbraith. The topics were a matter of (c) interest in real property and (f) pending litigation.

The Executive Session began at 8:35 PM.

No decisions were made.

Motion by Joanne Justesen to adjourn executive session. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Executive Session returned to open session at 9:43 PM.

Motion to Adjourn – ACTION ITEM

Mayor Galbraith asked for a motion to adjourn the meeting.

Motion by Joanne Justesen to adjourn the council meeting. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

The council meeting adjourned at 9:43 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer