

City of Heyburn Council Meeting & Public Hearing
Wednesday, January 24, 2024
7:00 P.M.

Mayor: Mayor Dick Galbraith.

Council Present: Chad Anderson, Joanne Justesen, Stegen Phillips, and Rick Tundag.

Employees Present:

Paul Ross, Tony Morley, Ryan Bertalotto, 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.

Discuss / Consider Minutes of the January 10, 2024 City Council Meeting and the January 11, 2024 Special City Council Meeting – ACTION ITEM

Those present reviewed the minutes of the January 10, 2024 City Council Meeting and the January 11, 2024 Special City Council Meeting.

Motion by Chad Anderson to approve the minutes of the January 10, 2024 City Council Meeting and the January 11, 2024 Special City Council Meeting as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

Those present reviewed the proposed bills.

Motion by Joanne Justesen to approve the bills as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Public Hearing - Application for Zoning submitted by the City of Heyburn pursuant to Idaho Code 67-6511 of the properties belonging to the State of Idaho Department of Highways contiguous to the City of Heyburn. The Idaho Highway parcel containing part of Interstate 84 between 575 West and 600 West, Heyburn, ID. This property is currently zoned as Agricultural Low by Minidoka County.

City Attorney Paul Ross introduced the public hearing. Mr. Ross stated the Planning & Zoning Commission met on January 16, 2024, where they recommended Commercial General zoning for Parcels 3.

Relating to the map, Parcel 1 parcel had been annexed into the city, creating a doughnut hole for emergency services. To resolve this hole or confusion in services, the City of Burley will annex the entire Exit 208, Parcels 1, 2, and 4. Heyburn has already de-annexed Parcel 1.

A portion of Interstate 84 between 600 West and 575 will be annexed into the City of Heyburn, Parcel 3, removing the rest of the doughnut hole but needs zoning before that can occur. This hearing is only related to the zoning of the Interstate portion, Parcel 3.

Mayor Galbraith opened the Public Hearing.

Those speaking in favor were: None.

Those speaking neither in favor nor against were: None.

Those speaking against were: None.

Hearing no further comments, Mayor closed the public hearing.

Public Hearing – Application for Zoning submitted by the City of Heyburn pursuant to Idaho Code 67-6511 of the properties belonging to the Minidoka Highway District, Moyle Holdings, LLC, LP Propane, LLC, Avery Erickson, and Lee and Marta Moyle. These parcels cover the Minidoka Highway Easement, or the east side of 600 West Road. These properties are currently zoned Agricultural Low by Minidoka County.

City Attorney Paul Ross introduced the public hearing. Mr. Ross stated the Planning & Zoning Commission met on January 16, 2024, where they recommended Commercial General zoning for Parcels 5.

600 West serves as the dividing line between the Burley and Heyburn areas of impact, with both cities in agreement on the boundary and treatment of lands inside both areas.

Roadways within the county are managed by the highway district, and while the City of Burley has annexed certain sections, parts like Harris Subdivision and old Alfresco Road remain in the Burley area of impact but are still county territory. The City of Heyburn maintains the east side of the road from 21st Street to the Interstate.

The proposal suggests annexing the 25-foot area under the roadway east of the centerline between the Interstate and 21st Street into the City of Heyburn. This follows a section line, granting an automatic easement. This easement affects properties owned by Moyle Holdings, LP Propane, and Avery Erickson, with 25 feet of their land to be annexed. After annexation, the 25 feet on the east half of 600 West will be renamed in collaboration with the City of Burley.

This hearing is only related to the zoning of the 600 West portion, Parcel 5.

Mayor Galbraith opened the Public Hearing.

Those speaking in favor were: None.

Those speaking neither in favor nor against were: None.

Those speaking against were: None.

Hearing no further comments, Mayor closed the public hearing.

Discuss / Consider Ordinance No. 2024-684 Ordinance of the City of Heyburn, Annexing Property Owned by Idaho Department of Highways and Minidoka Highway District, Unincorporated Parcels Under Interstate 84 Between 575 West and 600 West, East Half of 600 West Road Between Interstate 84 and 21st Street, Heyburn, Idaho, to City of Heyburn; Zoning Property as Commercial General; Amending Zoning Map. – ACTION ITEM

Those present reviewed Ordinance No. 2024-684 for annexation of properties owned by Idaho Department of Highways and Minidoka Highway District unincorporated parcels under interstate 84 between 575 West and 600 West, East half of 600 West Road between interstate 84 and 21st Street, Heyburn. Those present reviewed the Planning & Zoning recommendation of zoning these parcels as commercial general.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2024-684 once by title for its first reading. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2024-684 once by title only.

Discuss / Consider Options for Snow Removal and Associated Costs – ACTION ITEM

Street Division Head Myron McCarty and attendees discussed recent snowstorms and the city's snow removal efforts. They also addressed snow accumulation in front of driveways, sidewalks, and mailboxes citywide. Participants talked about snow management strategies, future removal plans, and associated costs.

The council proposed sending notifications through TextMyGov and the city website to inform and educate residents about priority roads and what to expect during snow events. They suggested creating a website map displaying priority roads in order of importance. These actions aim to keep the community informed about the city's snow event plans. Furthermore, a recommendation was made for the city to request a quote from Kloefer Inc. regarding the cost of snow removal services to haul the snow out of the city.

Discuss / Consider Address Change for 1302 Highway 30 #A and 1302 Highway 30 #B

Those present discussed the need to change the addresses for 1302 Highway 30 #A and 1302 Highway 30 #B. This change was prompted by an issue with the Post Office's ability to deliver mail to the existing addresses. To resolve this, the Building Department requests that the addresses be modified to 1302 Highway 30 #1 and #2. Mr. Ross was directed to move forward with adding the needed change to an upcoming ordinance so it may be implemented.

Discuss / Consider State/Local Agreement between ITD and the City of Heyburn for the 21st Street Phase 2 Project. – ACTION ITEM

Those present reviewed the State and Local Agreement between Idaho Transportation Department and the City for Phase 2 of the expansion of 21st Street from O Street to US Highway 30. City Attorney Paul Ross clarified that this agreement pertains to federal funding administered by the State of Idaho, serving as a joint agreement to facilitate the use of these funds and demonstrate collaborative efforts.

Motion by Rick Tundag to approve the State/Local Agreement between ITD and the City of Heyburn for the 21st Street Phase 2 Project authorizing the mayor's signature and approve the

disbursement of funds in the amount of \$10,000 as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Resolution No. 2024-1 Resolution of The City of Heyburn Approving Agreement for Federal Aid Highway Project A023(789) For Expansion of 21st Street from O Street to US Highway 30. – ACTION ITEM

Those present reviewed Resolution No. 2024-1 for the agreement for Federal Aid Highway Project for the expansion of 21st Street from O Street to US Highway 30. This just formalizes the agreement discussed in the last agenda item.

Motion by Joanne Justesen to approve Resolution No. 2024-1 as presented. Second by Chad Anderson. 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 present reviewed Ordinance No. 2023-681 as presented. Mr. Ross stated that the ordinance has been cut down by removing duplicate sections. Those present discussed clarifying section 3 that a written agreement must be signed and in place with the city. Mr. Ross suggested that we change the wording from written agreement to acknowledgement.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2023-681 once by title for its first reading. Second by Joanne Justesen. 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.

Mayors Time, and Committee Reports

Mayor Galbraith stated he received notice that the groundbreaking for the homes in Biscotti Subdivision that South Central Community Action Partnership constructed will be on February 6, 2024, at 3:00 PM.

No Committee Reports.

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.

No comments were made.

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 Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

The council meeting adjourned at 8:02 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer