

**City of Heyburn Council Meeting & Public Hearing**  
**Wednesday, January 26, 2022**  
**7:00 P.M.**

**Mayor:** Dick Galbraith.

**Council Present:** Chad Anderson, Joanne Justesen, Rose Schmitt, and Rick Tundag.

**Employees Present:**

Tony Morley, Paul Ross, Cole Kuta, Jose Paz, Brian Vail, Ivan McCracken, and Ashlee Langley.

**Welcome & Pledge**

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

**Discuss / Consider Minutes of the January 12, 2022 City Council Meeting**

– **ACTION ITEM**

Council President Chad Anderson stated corrections need to be made to the roll-call votes for Council President and Joint Powers Animal Control Board Representative.

Motion by Joanne Justesen to approve the minutes of the January 12, 2022 City Council Meeting as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

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

Those present reviewed and discussed the bills as presented.

After review, motion by Joanne Justesen to approve the bills as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss Future City Projects and Funding Opportunities – Georgia Dimick and Michael Harris**

This item was tabled.

**Discuss / Consider Joshnik, LLLP Water Right Purchase and Sale Agreement – ACTION ITEM**

City Attorney Paul Ross presented the Water Right Purchase and Sale Agreement with Joshnik, LLLP to those present.

After review, motion by Chad Anderson to approve the Joshnik, LLLP Water Right Purchase and Sale Agreement as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider Adoption of Ordinance No. 2021-650 Ordinance of the City of Heyburn, Annexing Properties Owned by Joshnik, LLLP, and State of Idaho Department of Highways, Unincorporated Minidoka County Property Located at 326 South Highway 24, Heyburn, Idaho, to City of Heyburn; Zoning Property as Commercial General; Amending Zoning Map (Third and Final Reading). – ACTION ITEM**

After review and based on the December discussion, motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2021-650 once by title only for the third and final reading as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

City Attorney Paul Ross read Ordinance No. 2021-650 once by title only.

After review, motion by Chad Anderson to adopt Ordinance No. 2021-650 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**Public Hearing for the Annexation and Zoning Pursuant to Idaho Code 50-222 and 67-6511 of Properties belonging to Eugene and Shirley Mae Hruza located at 1248 21<sup>st</sup> Street, Heyburn, Idaho.**

Those present reviewed the Annexation and Zoning Pursuant to Idaho Code 50-222 and 67-6511 of Properties belonging to Eugene and Shirley Mae Hruza, located at 1248 21<sup>st</sup> Street, Heyburn, Idaho.

Mayor Galbraith opened the public hearing for the annexation and zoning of properties belonging to Eugene and Shirley Mae Hruza located at 1248 21<sup>st</sup> Street, Heyburn, Idaho. No written statements were received.

Those speaking in favor were: None.

Those speaking in neither against nor in favor were: None.

Those speaking against were: Eugene Hruza stated he was not interested in services and the additional fees it will cost to be in city limits. Mr. Hruza also stated that annexation is not advantageous to the existing storage business.

Hearing no further comments, Mayor Galbraith closed the public hearing.

**Discuss / Consider Adoption of Ordinance No. 2022-652 Ordinance of the City of Heyburn, Annexing Property Owned by Eugene and Shirley Mae Hruza, Unincorporated Minidoka County Property Located at 1248 21<sup>st</sup> Street, Heyburn, Idaho, to City of Heyburn; Zoning Property as Commercial General; Amending Zoning Map – ACTION ITEM**

Those present reviewed Ordinance No. 2022-652 annexing properties owned by Eugene and Shirley Mae Hruza, for the property located at 1248 21<sup>st</sup> Street, Heyburn, Idaho.

Those present reviewed the Application for Annexation and Zoning, proposed Ordinance, and the Annexation Plan. The council recognized this as a Category B Annexation and reviewed

Idaho Code 50-222. Council discussed the applicable requirements and exceptions to permit such an annexation and found that the annexation meets those requirements and does not fall within any of the exceptions. After review of the Annexation Plan and proposal, impacts on the various parts of the city and other taxing entities, that such annexation is consistent with the public purposes stated. Lastly, that the annexation is reasonably necessary for orderly development of the city and the region. Council also reviewed potential zoning for the parcel and found the County's designation and Planning & Zoning Recommendation of Commercial General would be suitable to be carried over for this parcel after annexation.

After review, motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2022-652 once by title only for the first reading. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

City Attorney Paul Ross read Ordinance No. 2022-652 once by title only.

### **Discuss / Consider Product Quote for Bobcat Skid Steer Loader Upgrade**

#### **– ACTION ITEM**

Brian Vail presented a product quote for the upgrade to the Bobcat Skid Steer Loader stating the current model being leased by the city has been discontinued.

After review, motion by Joanne Justesen to approve the Bobcat Skid Steer Loader upgrade as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

### **Discussion and Update on Iron Bacteria Remediation**

Brian Vail provided those present with an update on the iron bacteria remediation stating the most recent attempt to clean and install a sand separator was not successful. Those present discussed the details of a meeting with water counsel to try and determine an avenue forward. Mr. Vail reassured the residents that the city will continue to try and find a solution to the nuisance but that the water is clean and safe for consumption.

### **Discuss / Consider 2022 Camp Host Agreement with Dale L. Lynn and Pamela R. Lynn**

#### **– ACTION ITEM**

Parks Department Manager Jose Paz provided those present with updated Camp Host Agreements for the 2022 season. Mr. Paz provided information regarding the pay for this year's Camp Hosts.

After review, motion by Joanne Justesen to approve the 2022 Camp Host Agreement with Dale L. Lynn and Pamela R. Lynn with clarification added to the compensation section regarding only being compensated for the months worked. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

### **Discuss / Consider 2022 Camp Host Agreement with Lewis Kennedy and Evonna Kennedy**

#### **– ACTION ITEM**

After review, motion by Chad Anderson to approve the 2022 Camp Host Agreement with Lewis Kennedy and Evonna Kennedy with clarification added to the compensation section regarding

only being compensated for the months worked. Concerns of pay differences were voiced by Joanne Justesen. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Nay; Rose Schmitt – Aye; Rick Tundag - Aye.

**Discuss / Consider BKI Engineering Services Scope of Work – ACTION ITEM**

City Engineer Ivan McCracken presented the BKI Engineering Services Scope of Work Agreement to those present.

Those present briefly discussed the possibility of purchasing used transformers through United Electric.

After review, motion by Rose Schmitt to approve the BKI Engineering Services Scope of Work in the amount of \$14,840 as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

**General Questions by City Council on Roadways and Future Developments – Ivan McCracken**

Ivan McCracken presented Right-of-Way figures data and diagrams to those present. Mr. McCracken briefly described the need for different intersection and right-of-way requirements.

No decisions were made.

**Mayors Time and Committee Reports**

Councilwoman Joanne Justesen provided those present with a brief update from the most recent Animal Control Board Meeting and related documents were uploaded for Council.

Mayor Galbraith stated the new Police Chief Ryan Bertalotto is scheduled to start work on February 07, 2022.

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

Mayor Galbraith opened the time for comments from the public.

Comments were made by one resident.

**Motion to Adjourn - ACTION ITEM**

Mayor Galbraith asked for a motion to adjourn the meeting.

Motion by Rick Tundag to adjourn the council meeting. Second by Chad Anderson. Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

The council meeting adjourned at 8:30 PM.

Dick Galbraith  
Mayor

Ashlee Langley  
City Clerk/Treasurer