

City of Heyburn Council Meeting
Wednesday, February 22, 2023
7:00 P.M.

Mayor: Dick Galbraith.

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

Employees Present:

Tony Morley, Ivan McCracken, Ryan Bertalotto, Paul Ross, 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.

Mayor Galbraith excused Councilman Rick Tundag from the meeting.

Discuss / Consider Minutes of the February 08, 2023 City Council Meeting
– ACTION ITEM

Those present reviewed the minutes as presented.

After review, motion by Joanne Justesen to approve the minutes of the February 08, 2023 City Council Meeting. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

Those present reviewed the bills as presented.

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

Discuss / Consider Lot Lease Proposal for the City owned lot on the Northeast corner of O Street & 21st Street– ACTION ITEM

Brittney and Charlie Little approached the City Council to inquire about the possibility of leasing the city owned lot located on the corner of 21st and O Street. Mr. Little expressed his interest in using the lot for the construction of a coffee shop. The proposed building would be a 12' x 36' portable structure that will be connected to power. In their deliberations, the city council considered several factors such as the potential impact on traffic, availability to utilities, site considerations, and existing businesses in the area.

Motion by Chad Anderson to approve entering negotiations for leasing the lot on 21st Street and O Street for the purpose of a coffee shop as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Nay.

Discuss / Consider O Street-D15 Drain Culvert Replacement – ACTION ITEM

The City Engineer, Ivan McCracken, requested the council to consider allocating approximately \$17,220 for the purchase of culvert materials for the replacement of the O Street-D15 Drain Culvert, and \$11,400 for pavement patching work. Mr. McCracken also informed the council that there would be additional expenses associated with the project, including traffic control, dump trucks, backfill materials, and a compaction roller, which would be covered by the city. Minidoka Irrigation District (MID) will provide excavators and staff to remove the existing culvert and install the new culvert. The expected timeline for the culvert work is in March, with the final road repair scheduled for May.

Those present reviewed quotes from the Sprinkler Shop, Treasure Valley Pipe, and HD Fowler. Mr. McCracken also informed the group that MID had requested concrete headwalls for the culvert, but due to a lead time of 4 to 6 weeks, it would likely delay the project until April, which does not align with MID's schedule.

Motion by Joanne Justesen to approve the O Street-D15 Drain Culvert Replacement allocating \$17,220 for the culvert materials and an estimated amount of \$11,400 for pavement patching work as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Update on 2023 Seal Coat Projects and Pricing – Myron McCarty

Myron McCarty, Street Department Head, updated the city council on the 2023 Seal Coat Projects that are scheduled to take place throughout the city. He presented information on the estimated costs associated with these projects. The City Council expressed their gratitude to Mr. McCarty for providing the information.

Discuss / Consider / Ordinance No. 2022-665 Ordinance of the City of Heyburn, Amending Heyburn Code Title 7 Chapter 1, Providing for Seizure and Impounding of Dogs, Providing Infraction for Uncontrolled Dogs, Misdemeanor for Dangerous and At-Risk Dogs, Requiring and Defining Secure Enclosure of Dangerous and At-Risk Dogs, Permitting, Permitting Court Order for Destruction of Dogs. – ACTION ITEM

City Attorney Paul Ross presented Ordinance No. 2022-665 to the council, which has been thoroughly reviewed and vetted by the Animal Control Board and Minidoka County Prosecuting Attorney to ensure its enforceability.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2022-665 once by title only for its final reading. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2022-665 once by title only.

Motion by Chad Anderson to adopt Ordinance No. 2022-655 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider / Ordinance No. 2023-670 Ordinance of The City of Heyburn Updating Zoning Ordinance to Include Concrete Plants with Asphalt Plants, Renumbering Parcels Near the Intersection of Q Street and 18th Street. Third and Final Reading

– ACTION ITEM

City Attorney Paul Ross reviewed Ordinance No. 2023-670 to the city council. Mr. Ross also took the time to recap the discussions that took place during the previous council meetings related to the ordinance.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2023-670 once by title only for its third and final reading. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2023-670 once by title only.

Motion by Joanne Justesen to adopt Ordinance No. 2023-670 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Purchase & Sale Agreement with Daniel T Barger – ACTION ITEM

City Attorney Paul Ross presented the Purchase & Sale Agreement with Daniel Barger for the purchase of a portion of property located near the intersection of US Highway 30 and J Street. Mr. Ross stated the property is estimated at 6,847 square feet. Mr. Ross stated Mr. Barger will not have use of the property until the roadway is realigned, which is contingent upon Idaho Transportation Department and is estimated to be 2 to 5 years out.

Mr. Barger was in attendance and addressed some of his concerns including relocation of the existing streetlight and the upgrade of such light, paid by date for the purchase, removal of asphalt after realignment is complete, stormwater, and property taxes until the realignment occurs.

Motion by Chad Anderson to approve the Purchase & Sale Agreement with Daniel T Barger as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Purchase & Sale Agreement with Dale Adams and Sheila Adams

– ACTION ITEM

City Attorney Paul Ross presented the Purchase & Sale Agreement between the City and Dale and Sheila Adams. Mr. Ross stated this agreement is quite similar to the one with Mr. Barger and pertains to the acquisition of property located close to the intersection of US Highway 30 and J Street. The property is estimated to be around 11,206 square feet in size, and the sellers are expected to receive an estimated 3,770 square feet in exchange.

Motion by Chad Anderson to approve the Purchase & Sale Agreement with Dale Adams and Sheila Adams as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Police Department Camera Upgrade – ACTION ITEM

Those present reviewed a quote from Eminent Technical Solutions for the upgrade of the camera system at the Police Department.

Motion by Rose Schmitt to approve the Police Department camera upgrade in the amount of \$8,540 with Eminent Technical Solutions as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Sponsoring Tri-Cities Team(s) – ACTION ITEM

Those present discussed the possibility of sponsoring Tri-Cities teams for the upcoming season.

Motion by Chad Anderson to approve setting a limit of four (4) sponsorships for 2023 Tri-Cities Season. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Dates for Spring Clean-up 2023– ACTION ITEM

Those present considered scheduling Spring Clean-up 2023 from April 14th to April 22nd. Mayor confirmed city staff had already reached out to Total Waste Management and United Metals, LLC, and both companies had confirmed availability for the proposed dates.

Motion by Chad Anderson to approve April 14th to April 22nd as the dates for Spring Clean-up 2023 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Moving Pingree Water Rights – ACTION ITEM

City Attorney Paul Ross presented an alternative approach for the relocation of the Pingree Water Rights. Mr. Ross proposed exploring a trade of water, which would involve a transfer of the city's current municipal water rights to irrigation rights, relocating them to Pingree. In exchange, the Pingree Irrigation Water Rights would be converted into municipal rights and relocated to Heyburn.

Motion by Joanne Justesen to approve trading Pingree Water Rights for the city's current Municipal Water Rights as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Mayors Time, and Committee Reports

Mayor Galbraith announced that there is a scheduled City-Wide Power Outage, Thursday, March 30th – March 31st, 2023, from 11:30 PM to 4:30 AM due to routine maintenance. Mayor Galbraith apologized for any inconvenience this may cause.

Councilwoman Justesen provided an update on Joint Power Animal Control, highlighting the recent donations. Councilwoman Justesen asked City Administrator Tony Morley to provide an overview of the proposed Joint Animal Control Facility's plan and location. Mr. Morley provided the necessary information regarding the building and its proposed location to those in attendance.

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 opened the floor to comments from members of the public. Comments were made by two residents.

Mayor asked for a motion to go into executive session.

Executive Session Pursuant to Idaho Code 74-206(1)(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 Rose Schmitt to go into executive session pursuant to Idaho Code 74-206(1)(f).

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

Executive Session Minutes

The Executive Session was conducted by Mayor Dick Galbraith. The topic was a matter of (f) litigation.

The Executive Session began at 9:08 PM.

No decisions were made.

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

Executive Session returned to open session at 9:32 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 Rose Schmitt.

Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

The council meeting adjourned at 9:32 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer