

**City of Heyburn Council Meeting & Public Hearing**  
**Wednesday, February 26, 2020**  
**7:00 P.M.**

**Mayor:** Mark Rosa.

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

**Employees Present:**

Tony Morley, Paul Ross, and Ashlee Langley.

**Welcome & Pledge**

Meeting conducted by Mayor Mark Rosa who welcomed everyone to the meeting and asked City Resident Jack Goddard to lead those present in the Pledge of Allegiance.

**Discuss / Consider Minutes of the February 12, 2020 Council Meeting & February 18, 2020 Work Meeting – ACTION ITEM**

Motion by Chad Anderson to approve the minutes of the February 12, 2020 Council Meeting as presented and the February 18, 2020 Work Meeting with the correction of listing Tony Morley as absent from the meeting. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen (Aye – February 12, 2020 Minutes) and (Abstain - February 18, 2020 Minutes); Rose Schmitt – Aye.

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

Motion by Dick Galbraith to approve the bills as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Reduction in Fees for Culinary Water and Annual Irrigation Assessment - Carla Hare, 1221 18<sup>th</sup> Street– ACTION ITEM**

Carla Hare was not present, this item was tabled.

**Update / Presentation of ArcGIS Service – Tom Toronto**

Thomas Toronto provided those present with an update of the services he provides to the city for their ArcGIS Mapping System. Mr. Toronto explained the work that has been done to bring the maps to where they are today and how the various maps benefit the city.

Those present thanked Mr. Toronto for the update.

**Discuss / Consider Sanitation Services Contract with Total Waste Management – ACTION ITEM**

Those present reviewed the Sanitation Services Contract with Total Waste Management. Questions were asked concerning Total Waste Management charging residents for damaged cans. City Administrator Tony Morley stated this is addressed in the contract under section 3(a)

where it states TWM shall not bill any residence directly, any damaged or lost carts are to be replaced immediately at TWM's expense.

Lyle Santos owner of Total Waste Management stated there will be no charge for damaged cans and that he is in the process of getting more durable cans as well as a new truck that will be quieter.

Motion by Chad Anderson to approve the Sanitation Services Contract with Total Waste Management as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Dates for Spring Clean-up 2020 – Lyle Santos – ACTION ITEM**

Lyle Santos owner of Total Waste Management discussed possible Spring Clean-up dates with those present. Mr. Santos stated in discussion with City Staff the proposed dates are April 17<sup>th</sup> – April 26<sup>th</sup>. Mr. Santos stated he has been in contact with United Metals and they plan to participate again this year and have a bin onsite for recyclables.

Those present discussed placing receptacles at the Hockey Rink/Baseball Fields located at 18<sup>th</sup> & I Street. Suggestions were made to have better signage onsite, possibly using cones to block off access afterhours, and to have the Police Department watch for potential violators.

Motion by Joanne Justesen to approve April 17<sup>th</sup> thru April 26<sup>th</sup> as the Spring Clean-up dates for 2020 and to have the receptacles placed at the Hockey Rink/Baseball Fields located at 18<sup>th</sup> & I Street. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Public Hearing on Adopting a Schedule of Revised Animal Control Rates and Fees for Services**

Those present reviewed the Schedule of Revised Animal Control Rates and Fees for Services. City Attorney Paul Ross stated the change is to reflect a new fee that has been added for quarantine and rabies testing in the amount of \$441.

Mayor Mark Rosa opened the public hearing.

Mayor Rosa asked for those speaking in favor of the Schedule of Revised Animal Control Rates and Fees for Services to step forward.

*Those speaking in favor were: None.*

Mayor Rosa asked for those speaking neither against nor in favor of the Schedule of Revised Animal Control Rates and Fees for Services to step forward.

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

Mayor Rosa asked for those speaking against the Schedule of Revised Animal Control Rates and Fees for Services to step forward.

*Those speaking against were: None.*

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

**Discuss / Consider Adoption of Resolution No. 2020-2 Adopting a Schedule of Revised Animal Control Rates and Fees for Services Provided and Regularly Charged as Specified by City Code; Providing an Effective Date – ACTION ITEM**

Those present reviewed Resolution No. 2020-2 which would change the schedule of revised rates and fees to add the quarantine and rabies testing fee in the amount of \$441.

Motion by Dick Galbraith to adopt Resolution No. 2020-2 Adopting a Schedule of Revised Animal Control Rates and Fees for Services as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Adoption of Ordinance No. 2020-623 Ordinance of the City of Heyburn, Amending Heyburn Code Title 7 Chapter 1 Updating Animal Control Code; and Providing Effective Date. Second of Three Readings, by Title Only – ACTION ITEM**

Those present reviewed Ordinance No. 2020-623.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2020-623 for the third and final reading, by title only. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2020-623 for the third and final reading, by title only.

Motion by Dick Galbraith to adopt Ordinance No. 2020-623 amending Heyburn Code Title 7 Chapter 1 Updating the Animal Control Code. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Adoption of Ordinance No. 2020-622 Ordinance of the City of Heyburn, Amending Title 1 Chapter 2 Remove City Administrator from having Authority over Personnel; and Providing Effective Date. First of Three Readings, by Title Only – ACTION ITEM**

Mayor Rosa stated he has placed this item on the March 03, 2020 Work Meeting Agenda for discussion. Mayor Rosa asked the council if they would like to table the item for tonight.

Motion by Joanne Justesen to rescind Ordinance No. 2020-622. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Nay; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Determining Sanitation Rate Increase – ACTION ITEM**

Mayor Rosa stated there is a proposal before council tonight to increase the sanitation rate by 15.5%. Mayor Rosa stated he would like to keep the increase to the residents under \$7.00.

The new rate Total Waste Management will be charging the city represents a 19.91% increase in the base rate effective April 1, 2020.

Motion by Dick Galbraith to direct City Staff to prepare a public hearing notice and resolution with the proposed sanitation rate increase of \$6.85 for the first can and \$1.65 for additional cans. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Project Quote for Windows 10 / Computer Upgrade – ACTION ITEM**

City Clerk Ashlee Langley explained the need to upgrade 5 computers in the Clerk Office and 1 computer in the electric department to new computers that will come equipped with Windows 10 Pro.

Mrs. Langley explained that Microsoft made a commitment to provide 10 years of product support for Windows 7 and that period has now ended. Microsoft has discontinued support to all windows 7 devices. Mrs. Langley stated all other devices have been upgraded throughout the City except for the ones being presented tonight for possible approval.

Motion by Dick Galbraith to approve the quote in the amount of \$5,760 with ETS for the purchase of computers with Windows 10 Pro as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Participation in Operation Facelift 2020 – ACTION ITEM**

Those present discussed reaching out to Penny Main at the Mini-Cassia Chamber of Commerce to see if the Chamber would be interested in participating in Operation Facelift 2020 to possibly do a landscaping project at their location on 7<sup>th</sup> Street.

This item was tabled for further discussion.

**Discuss / Consider Letter of Support to the City of Burley for the Creation of an Airport District – ACTION ITEM**

Mayor Rosa asked the council if they would be in support of asking our state legislators to create legislation for a special district that would allow for an airport district to be funded by residents of both Minidoka and Cassia Counties. Mayor Rosa stated an election would be required in order to create the Airport District.

Motion by Joanne Justesen to approve the Letter of Support to the City of Burley asking our state legislators to create legislation for a special district for the creation of an Airport District. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

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

City Attorney Paul Ross stated City of Rupert has passed the Ordinance pertaining to the Animal Control Code update as well as the Resolution for the rates and fees, City of Paul has passed the Ordinance only at this time.

Mayor Rosa provided those present with an overview of a business tour luncheon he attended at the Stone House & Co., Twin Falls where he represented the city and had the opportunity to meet with Japanese Company Representatives as they learned more about our state and how we can help them enter into the U.S. Market. Mayor Rosa stated it was a great opportunity.

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

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

Police Chief Dan Bristol stated he put in a request for 10 Guardian Angel Devices through the Magic Valley Public Safety Grant Commission. Chief Bristol explained the devices are rechargeable wearable safety lights and are worn on an officer's shoulder epaulette.

Minidoka County Commissioner Wayne Schenk stated the House passed the property tax freeze bill House Bill 409 today. Commissioner Schenk asked those present to contact members of the Senate to respectfully ask that they oppose the bill.

City Resident Edward Gemar stated that it is very hard to hear what is being said during the council meeting and suggested the city look at doing something with the sound system.

### **Executive Session**

**Pursuant to Idaho Code 74-206(1)(b) to consider the evaluation, dismissal, or disciplining of, or to hear complaints or charges, brought against, a public officer, employee, staff member or individual agent, or public school student; 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 Joanne Justesen to go into Executive Session as per Idaho Code 74-206(1)(b) and (f). Second by Rose Schmitt. 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 Mark Rosa. The topics were a matter of (b) personnel and (f) litigation.

No decisions were made.

The Executive Session began at 8:40 PM.

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

Executive Session returned to open session at 9:22 PM.

**Motion to Adjourn - ACTION ITEM**

Mayor Rosa asked for a motion to adjourn the meeting.

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

The council meeting adjourned at 9:22 PM.

Mark Rosa  
Mayor

Ashlee Langley  
City Clerk/Treasurer