

City of Heyburn Council Meeting & Public Hearing
Wednesday, March 11, 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 Mini-Cassia Chamber of Commerce President and CEO Penny Maine to lead those present in the Pledge of Allegiance.

Discuss / Consider Minutes of the February 26, 2020 Council Meeting & Public Hearing & the March 03, 2020 City Council Work Meeting – ACTION ITEM

Motion by Joanne Justesen to approve the minutes of the February 26, 2020 Council Meeting & Public Hearing & the March 03, 2020 City Council Work Meeting as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

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

Discuss / Consider Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 3– ACTION ITEM (Tony Morley)

City Administrator Tony Morley presented the Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 3 in the amount of \$69,981 to those present.

Motion by Dick Galbraith to approve Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 3 in the amount of \$69,981 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Wastewater Treatment Improvements Change Orders 1, 2, and 3 and Future Change Orders – ACTION ITEM (Tony Morley)

City Administrator stated there are three change orders before the council tonight for possible approval. Mr. Morley turned the time over to Mike Soucie, Quality Control Inspector for HDR Engineers to explain the change orders.

Mr. Soucie stated Change Order No. 1 is to proceed with replacing the existing 10” RAS line with a new 10” line to accommodate the new Clarifier #3 Splitter Box, upsizing piping from 6” as detailed to match existing 10” RAS piping, core new hold in west side of existing Clarifier Splitter Box , and to remove the existing slide gate located on the north wall and relocate to provide flow control to the new 10” RAS piping on the west wall.

Mr. Soucie explained Change Order No. 2 is due to the unforeseen location of several existing utilities. Mr. Soucie stated the contractor is asking for changes to move the bank of electrical conduit to accommodate the new Clarifier Splitter Box, relocate the existing yard hydrant to a location as determined by the plant manager, install a 1” Schedule 80 PVC line to supply the spray bar on Clarifier #2, and locate utilities for Clarifier Splitter Box.

Mr. Soucie stated Change Order No. 3 includes the latest revision clarifying the invert elevation of both RAS and WAS lines as they leave the ‘hopper’ in the center column support structure as well as the changes shown in the modified details, including the latest slope changes in all piping.

Those present thanked Mr. Soucie for the explanation on the change orders.

Motion by Joanne Justesen to approve Wastewater Treatment Improvements Change Orders 1, 2, and 3 in the combined amount of \$15,010 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Administrator Tony Morley asked the council how they would like to handle future change orders specifically emergency change orders. Mr. Morley asked the council if they would like to set a not to exceed amount and allow the Mayor to sign all small change orders that have a potential to delay the project if not approved quickly.

Motion by Dick Galbraith to approve a not to exceed amount of \$4,000 for time sensitive change orders that may adversely affect the city if not approved immediately with the stipulation that all change orders will be sent to council for informational purpose and placed on a future agenda for ratification. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Nay; Rose Schmitt – Aye.

Discuss / Consider Participation in Operation Facelift 2020 – ACTION ITEM
(Jose Paz and Penny Maine)

Parks Department Manager Jose Paz and Mini-Cassia Chamber of Commerce President and CEO Penny Maine presented the idea of a beautification project at the Chamber of Commerce for Operation Facelift 2020. Mr. Paz stated the parks department would help with landscaping, equipment, and employee time to improve the aesthetics of the Chamber of Commerce.

Motion by Joanne Justesen to approve Participation in Operation Facelift 2020 with the project being beautification at the Mini-Cassia Chamber of Commerce. 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 18th Street) – ACTION ITEM

City Resident Carla Hare asked the city council to consider removing future charges on Irrigation Assessments as well as culinary water. Ms. Hare stated she does not use the irrigation water due to the elevation of her home and the water ends up in the street. Ms. Hare stated she has owned her home since 1978 and at the time she purchased her home there were no water hookups. Ms. Hare stated as soon as hookups became available, she started paying the minimum culinary water fee. Ms. Hare stated she chose not to hook on to the city's culinary water because she prefers to use her well.

City Attorney Paul Ross explained the current ordinance and resolution. Explained irrigation and culinary water are different and the basis for each. Suggested the way ordinances are written Ms. Hare should be relieved of future payments until the ordinance is written otherwise.

Motion by Dick Galbraith to discontinue charging for culinary water but to continue to assess the annual irrigation assessment to 1221 18th Street. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Public Hearing Regarding Zoning Map Amendment Application submitted by Ron Rice for Certain Real Property Located at 2561 21st Street, Heyburn, Idaho Changing Zoning Designation from Residential Low to Commercial General for the Purpose of Building Storage Units. (Tony Morley and Applicant Ron Rice)

City Administrator Tony Morley explained the packet information provided to council regarding the application submitted by Ron Rice for a change in zoning designation. Mr. Morley turned the time over to Ron Rice who presented his application to change the zoning designation from Residential Low to Commercial General for the property located at 2561 21st Street.

Mr. Rice stated he is requesting the zoning change in order to build aesthetically pleasing, clean, self-storage units on the property. Mr. Rice stated the property will be gated, have good lighting, and a security system. Mr. Rice stated the facility will have a very minimal impact on the area and neighbors with very little traffic in and out.

Mayor Mark Rosa opened the public hearing.

Mayor Rosa asked for those speaking in favor of the Zoning Map Amendment Application submitted by Ron Rice to step forward.

Those speaking in favor were: None.

Mayor Rosa asked for those speaking neither against nor in favor of the Zoning Map Amendment Application submitted by Ron Rice to step forward.

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

Mayor Rosa asked for those speaking against the Zoning Map Amendment Application submitted by Ron Rice to step forward.

Those speaking against were: Edward Gemar stated he did not find commercial zoning appropriate and would like to see the property remain residential.

City Administrator Tony Morley read a letter submitted by Maureen Newton dated March 10, 2020 opposing the zoning designation. Mrs. Newton's letter addressed concerns regarding the negative impact to the neighborhood, decreased value of the surrounding neighbors' properties, and the reduced pleasure of their own backyards.

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

Discuss / Consider Zoning Map Amendment Application submitted by Ron Rice for Certain Real Property Located at 2561 21st Street, Heyburn, Idaho changing Zoning Designation from Residential Low to Commercial General for the Purpose of Building Storage Units. –ACTION ITEM (Tony Morley and Applicant Ron Rice)

Council reviewed Planning & Zoning minutes, the application of Ron Rice, and other information from the P&Z Meeting. Discussed the factors and record before them.

Motion by Joanne Justesen to approve the Zoning Map Amendment Application submitted by Ron Rice for Certain Real Property Located at 2561 21st Street, Heyburn, Idaho changing Zoning Designation from Residential Low to Commercial General for the Purpose of Building Storage Units contingent upon the property being used for the development of a storage unit facility. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Override of Veto 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. Third and Final Reading, by Title Only – ACTION ITEM

Mayor Rosa stated he has vetoed Ordinance No. 2020-623 Updating the Animal Control Code due to conflicting language as he previously provided in writing, therefore he is choosing to veto the ordinance.

Motion by Dick Galbraith to override the Mayor's Veto of Ordinance No. 2020-623. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross asked the Mayor if he would be willing to sign the ordinance, if not, the council should make a motion to authorize a signer on the ordinance. Mayor Rosa stated he would not be willing to sign.

Motion by Joanne Justesen to authorize Council President Dick Galbraith to sign Ordinance No. 2020-623. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Water Bond – ACTION ITEM (Tony Morley)

City Administrator Tony Morley asked the council if they would like to wait on bonding for the water improvements in order to see how the rates perform. Mr. Morley stated the council selected Option 4 in the Water Facility Plan which included a large dollar amount for the purchase of water rights. Mr. Morley stated the city has already acquired these rights and was able to purchase these with existing funds. Mr. Morley asked the council if they would like to see how many projects the city could accomplish with existing and incoming revenue based on the current rates.

Motion by Dick Galbraith to approve waiting on the November 2020 Water Bond Election to see how rates are performing and how many projects can be completed with existing funds. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Sponsoring a Tri-Cities Baseball Team – ACTION ITEM

Mayor Rosa asked the council if they would like to sponsor a Tri-Cities Baseball Team.

Motion by Dick Galbraith to approve sponsoring a Tri-Cities Baseball Team. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Pump Track at Dayley Park, Basketball Courts, and Update from Parks Department – ACTION ITEM (Jose Paz)

Parks Department Manager Jose Paz presented details regarding the proposed installation of a pump track at Dayley Park. Mr. Paz stated the city could get free dirt from the sugar factory and work on this project as time allows. Mayor Rosa stated there will not be additional costs for insurance as the City Clerk has already checked with the city's insurance provider.

Motion by Dick Galbraith to table the construction of a Pump Track at Dayley Park. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Jose Paz also presented the installation of Basketball Courts at Central Park in the old tennis courts. Mr. Paz stated the city would be using money from the recreation fund in order to complete this project. Mr. Paz estimated the cost to be around \$5,200.

Motion by Joanne Justesen to approve the installation of Basketball Courts in the old tennis court at Central Park with a not to exceed budget amount of \$5,200. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Mr. Paz provided those present with an update from the parks department.

Discuss / Consider Quote for New Parks Department Pickup Purchase – ACTION ITEM (Jose Paz)

Jose Paz presented quotes to those present for the purchase of a new pickup for the parks department. Mr. Paz stated the newest truck he has in his department is a 2011. Mr. Paz stated if the council approved a new truck purchase all vehicles would rotate down and the temporary and part time summer help would be using the older fleet.

Motion by Dick Galbraith to approve the purchase of a 2020 Ford F-150 4x4 Cab Styleside for the Parks Department from Goode Motor Ford, LLC in the amount of \$23,204. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Setting August 26, 2020 as the Public Hearing Date for the 2020-21 FY Budget – ACTION ITEM (Ashlee Langley)

City Clerk Ashlee Langley stated the City needs to notify the Minidoka County Clerk of the Fiscal Year 2020-21 Budget Hearing date no later than April 30, 2020. Mrs. Langley suggested the hearing date be set for August 26, 2020 at 7:00 PM.

Motion by Dick Galbraith to approve setting the FY 2020-21 Public Hearing Date for August 26, 2020 at 7:00 PM. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Mayors Time & Committee Reports

Mayor Rosa stated 13 city employees received CPR, AED, and First Aid Training and are now certified. Mayor Rosa stated the certifications are good for two years, next year the rest of the employees who were not certified this year will take the class to get their certifications.

Mayor Rosa stated Tony Morley and himself attended a meeting at South Central Public Health District where they learned more about the COVID-19 virus. Mayor Rosa stated the city has listed five links on their website with information and encouraged the residents who are concerned to go to the website and get the latest information. Mayor Rosa also mentioned the city should discuss getting an official Facebook page to share information.

Mayor Rosa asked for committee reports.

There were no committee reports.

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

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

City Resident Gail Gallegos stated she was disappointed in the decision made regarding culinary due to potential financial ramifications. Ms. Gallegos thanked those present for reconsidering the pump track at Dayley Park, she lives over there, and the park is used for soccer. Mrs. Gallegos stated she would challenge the Mayor to go study Roberts Rules.

City Resident Edward Gemar stated he had concerns with the City getting an official Facebook page. Mr. Gemar stated he would be opposed to that stating the city already has an official website.

City Resident Amy Despain stated she did some research regarding Ordinance No. 2019-621 giving Mayor the authority over personnel. Mrs. Despain stated the Mayor was concerned about lawsuits being in his name. Mrs. Despain stated she researched this and most issues would be covered by insurance. Mrs. Despain stated she was opposed to the Mayor having authority over personnel and would like to see that stay with the City Administrator as he is a full-time employee. Mrs. Despain stated personnel could be influenced by outside individuals. Mrs. Despain also stated the council may have made a mistake regarding culinary water tonight that she too could use a well and discontinue use of the cities culinary water system. Mrs. Despain also asked if anyone knew what happened to the volleyball standards that were in the McBride Park.

Motion to Adjourn - ACTION ITEM

Mayor Rosa asked for a motion to adjourn the meeting.

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

The council meeting adjourned at 8:59 PM.

Mark Rosa
Mayor

Ashlee Langley
City Clerk/Treasurer