

City of Heyburn Council Meeting
Wednesday, March 27, 2019
7:00 P.M.

Mayor: Mayor Cleo Gallegos

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

Employees Present:

Tony Morley, Debra Encinas, Paul Ross and Dan Bristol.

Welcome & Pledge

Meeting conducted by Mayor Cleo Gallegos who welcomed everyone to the meeting.

Mayor Gallegos asked County Commissioner Wayne Schenk to lead those present in the Pledge of Allegiance.

Discuss / Consider Minutes of the March 13, 2019 Council Meeting & the March 20, 2019 Special Council Meeting – ACTION ITEM

Motion by Joanne Justesen to approve the minutes of the March 13, 2019 Council Meeting & the March 20, 2019 Special Council Meeting as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt abstained, was not present at the Special Meeting.

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 Update on Total Waste Management for Spring Clean-Up

County Commissioner Wayne Schenk gave an update regarding Spring Clean-Up with Total Waste Management. Mr. Schenk said that Mayor Cleo Gallegos and Councilman Dick Galbraith attended the County Commissioners Meeting along with Lyle Santos from Total Waste Management to request an increase from 40 cubic yards to 200 cubic yards. After discussion the County Commissioners agreed to allow the City of Heyburn an increase of two more 40 cubic yard roll-offs for a total of 120 cubic yards. Mr. Schenk said that this has also been approved by Southern Idaho Solid Waste.

Discuss / Consider Ordinance No. 2019-606 Repealing the Existing Parking Code and Replacing the Heyburn Code Title 6 Chapter 2 Parking Code, third and final reading – ACTION ITEM

City Attorney Paul Ross explained that the Ordinance Title is slightly different than what is on the agenda and that he will read the correct title. Mr. Ross also let the council know that the large sweeping resolution for all rates within the city is not done yet, a separate rate resolution that will impose these new rates will also require publication and will be on the next agenda. Mr. Ross said the Parking Code will be changed when the publication is finished and the fines & fees won't be in place until the resolution has been passed at the next city council meeting.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2019-606 Repealing the Existing Parking Code and Replacing the Heyburn Code Title 6 Chapter 2 Parking Code, for the third and final reading. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Paul Ross read Ordinance No. 2019-606 by title only, for the third and final reading.

Mayor Cleo Gallegos asked for a motion to adopt Ordinance No. 2019-606

Motion by Joanne Justesen to adopt Ordinance No. 2019-606. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Ordinance No. 2019-607 Ordinance of the City of Heyburn Amending Heyburn Code Title 7 Chapter 1 Updating Animal Control Code and Providing Effective Date, second reading – ACTION ITEM

Motion by Dick Galbraith to approve Ordinance No. 2019-607 City of Heyburn Code Title 7 Chapter 1 Updating Animal Control Code and Providing Effective Date, for the second reading. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Paul Ross read Ordinance No. 2019-607 by title only, for the second reading.

Discuss / Consider Framing Bids for Street Department Building Offices – ACTION ITEM

City Administrator Tony Morley presented the framing bids for the Street Department Building Offices. The 3 bids that came in were from Myron Wilson Construction at \$9750.00, Idahohome Construction at \$14,541.00 and High Output Construction at \$35,350.00. The city council determined that Myron Wilson Construction did not comply with plans and specifications on the framing for the Street Department Building Offices.

Motion by Joanne Justesen to approve the Framing Bid from Idahohome Construction in the amount of \$14,541.00. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Concrete Bids for Street Department Building – ACTION ITEM

City Administrator Tony Morley presented the concrete bids for the Street Department Building. The 3 bids that came in were from Myron Wilson Construction at \$5050.00, Idaho Construction at \$6825.00 and High Output Construction at \$8100.00. After further discussion, the city council determined that the bid from Myron Wilson Construction was non-compliant with the specifications from the city.

Motion by Dick Galbraith to approve the Concrete Bid from Idaho Construction in the amount of \$6825.00. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Participation in Operation Facelift 2019 – ACTION ITEM

After a brief discussion, the city council agreed to decline the City of Heyburn's Participation in Operation Facelift 2019.

Motion by Chad Anderson to decline the City of Heyburn's Participation in Operation Facelift 2019. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Appointing Chris James as the new member of the Heyburn Urban Renewal Agency – ACTION ITEM

Mayor Cleo Gallegos introduced Chris James as the new member of the Heyburn Urban Renewal Agency.

Chris James stepped up to the podium and introduced himself and thanked the Mayor and city council for this opportunity.

Motion by Dick Galbraith to approve appointing Chris James to the Heyburn Urban Renewal Agency. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Participation in the Idaho Association for the Education of Young Children and Proclaiming April 8-12, 2019 as the Week of the Young Child

-ACTION ITEM

Mayor Cleo Gallegos explained that she received a letter from the Idaho Association for the Education of Young Children and Proclaiming April 8-12, 2019 as the Week of the Young Child asking the City of Heyburn to participate.

Motion by Chad Anderson to approve Participation in the Idaho Association for the Education of Young Children and Proclaiming April 8-12, 2019 as the Week of the Young Child. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Mayor's Time & Committee Reports

Mayor Gallegos asked Brian Vail to come up to the podium and give an update on his education to further his knowledge with the Wastewater Treatment Plant.

Mayor Gallegos said April 17, 2019 has been declared as Arbor Day, Jose Paz, Parks Department Manager will be planting a tree with some school students at the Heyburn Riverside Park.

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

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

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; (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; (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. The mere presence of legal counsel at an executive session does not satisfy this requirement; - ACTION ITEM

Motion by Chad Anderson to go into Executive Session as per 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; (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; (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. The mere presence of legal counsel at an executive session does not satisfy this

requirement; Second by Joanne Justesen. 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 Cleo Gallegos. The topics were a matter of (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; (e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations; (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. The mere presence of legal counsel at an executive session does not satisfy this requirement;

No decisions were made.

The Executive Session began at 8:00 PM.

Motion by Dick Galbraith 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 9:15 PM.

Motion to Adjourn

Mayor Gallegos 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 9:15 PM.

Cleo Gallegos
Mayor

Debra Encinas
Deputy City Clerk