

City of Heyburn Council Meeting & Public Hearing
Wednesday, April 10, 2024
7:00 P.M.

Mayor: Mayor Dick Galbraith.

Council Present: Chad Anderson, Joanne Justesen, and Stegen Phillips. Rick Tundag - excused.

Employees Present:

Paul Ross, Ivan McCracken, 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.

Discuss / Consider Minutes of the March 27, 2024 City Council Meeting – ACTION ITEM

Those present reviewed the minutes of the March 27, 2024 City Council Meeting.

Motion by Joanne Justesen to approve the minutes of the March 27, 2024 City Council Meeting as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

Those present reviewed the proposed bills.

Motion by Chad Anderson to approve the bills as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Discuss / Consider Grant Administration Contract with Region IV Development for the Community Development Block Grant (CARES) Park Improvement Project – ACTION ITEM

Michelle McFarland with Region IV Development stated back in September 2023 she requested permission to submit a grant application to the Department of Commerce for restroom facilities at the Baseball Park and Dayley Park. The request was approved, and the application was submitted. Ms. McFarland stated the next step is to seek approval for the grant administration contract that will allow Region IV Development to facilitate the grant. Ms. McFarland stated the environmental study has already been completed, and the next step after that is to finalize the engineering. Once this is done, the City will break ground and construct the restroom facilities in these two parks.

Motion by Joanne Justesen to approve the Grant Administration Contract with Region IV Development for the Community Development Block Grant (CARES) Park Improvement Project as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Review INH-Heyburn Urban Renewal Plan - Brent Tolman

Brent Tolman, representing the Heyburn Urban Renewal District, offered a comprehensive overview of the INH Heyburn Urban Renewal Plan to those in attendance. Mr. Tolman clarified that the designated area extends from the vicinity of the new Intermountain New Holland and Peterbilt establishments, spanning down to 21st Street and reaching across to 400 South. This initiative aims to establish an Urban Renewal District to address critical infrastructure requirements within this area.

During the assessment phase, additional parcels were initially considered as part of the eligibility study. However, it was determined that these parcels, namely the property east of the Centennial Industrial Park, the Clark Property situated north of the interstate, and Emerald Lake, would not be included in the revenue allocation area. This decision was influenced by several factors, including delays caused by interchange construction, County cooperation, and financial constraints. Specifically, the Idaho Transportation Department requested a substantial sum for laying pipes beneath the interstate during construction, rendering it impractical at the present time.

The plan focuses primarily on road, sewer, and water infrastructure improvements in the area. Road enhancements will encompass traffic control devices, addressing concerns such as traffic congestion leaving Centennial Drive near Love's Travel Stop. Additionally, the plan includes the proposal of a new road extending from Centennial Drive down to 400 South and reconnecting to the highway at 21st Street.

Mr. Tolman has confirmed that all taxing districts have been contacted and provided with a copy of the plan, which is projected to span 20 years from the effective date of January 01, 2024.

Public Hearing to Consider the Urban Renewal Plan for the INH-Heyburn District Urban Renewal Project of the Heyburn Urban Renewal Agency

Mayor Galbraith opened the Public Hearing.

Those speaking in favor were: None.

Those speaking neither in favor nor against were: None.

Those speaking against were: None.

Mayor inquired with the Clerk about the receipt of any written comments. City Clerk Ashlee Langley confirmed that no written comments were received.

Hearing no further comments, Mayor closed the public hearing.

Discuss / Consider Ordinance No. 2024-687 Ordinance of the City of Heyburn, Idaho, Approving the Urban Renewal Plan for the INH-Heyburn District Urban Renewal Project, which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk

to Transmit a Copy of this Ordinance and other Required Information to County and State Officials; Providing Severability, Codification, Publication by Summary, and Establishing an Effective Date – ACTION ITEM

Those in attendance reviewed Ordinance No. 2024-687 as presented.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2024-687 once by title for its second reading. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

City Attorney Paul Ross read Ordinance No. 2024-687 once by title only.

Discuss / Consider Lease Agreement & Concessionaire’s License with Adrenalin Rentals – ACTION ITEM

Those present reviewed the Lease Agreement & Concessionaire’s License with Adrenalin Rentals. Mayor Galbraith mentioned that he requested a couple of changes to this year's lease, including an increase in the lease amount and imposing restrictions on parking watercraft along city streets.

Motion by Stegen Phillips to approve the Lease Agreement & Concessionaire’s License with Adrenalin Rentals as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Discuss / Consider Ordinance No. 2024-685 Ordinance of The City of Heyburn Updating Title 8, Chapter 18 Regarding Telecommunications Towers, Antennas and Related Facilities, General, Scope, and Applicability, Definitions, Exemptions, Permitted/Prohibited Locations, Special Use Permit, Annual Information Report, Removal and Security for Removal, Preexisting Telecommunications Towers, Enforcement, Structural Design and Standards, Separation and Setback Requirements, Permits, Fees and Bonds, Construction Provisions, Indemnification, Insurance, Illumination and Security Fences, Compliance and Maintenance, Miscellaneous, Updating Mistakes in Public Easement Code, Renaming Nevada Avenue to Nevada Street, Renaming Oregon Avenue to Oregon Street, Renumbering Properties as Needed, Publication by Summary, and Effective Date. – ACTION ITEM

Those in attendance reviewed Ordinance No. 2024-685 as presented. City Attorney Paul Ross provided an update on the requested changes from the last council meeting, confirming that they have been implemented. Additionally, there is an update regarding address adjustments, with one address reverting from Heritage Drive to 15th Street to accurately reflect the home's orientation towards 15th Street.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2024-685 once by title for its third and final reading. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

City Attorney Paul Ross read Ordinance No. 2024-685 once by title only.

Motion by Joanne Justesen to adopt Ordinance No. 2024-685 adopting on the third reading as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

**Discuss / Consider Excavator Purchase with Intermountain New Holland
– ACTION ITEM**

City Engineer Ivan McCracken introduced a Purchase Agreement with Intermountain New Holland for the excavator utilized across public works divisions. McCracken emphasized the necessity to either proceed with the new lease payment or explore the option of purchasing the excavator. Intermountain New Holland has proposed offsetting two years' worth of lease payments towards the purchase alongside a 5-year warranty. Mr. McCracken clarified that each public works division would contribute towards the cost.

Specific general ledger numbers and amounts are pending determination by the City Administrator.

Motion by Stegen Phillips to approve the Excavator Purchase with Intermountain New Holland for \$60,000, subject to confirmation of general ledger numbers and allocation of funding by the City Administrator before payment issuance. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Nay; Stegen Phillips – Aye.

Mayor Dick Galbraith confirmed the motion passed.

**Discuss / Consider Acceptance of Infrastructure within Paisley's Place Subdivision
– ACTION ITEM**

City Engineer Ivan McCracken presented the letter of acceptance for infrastructure within Paisley's Place Subdivision, situated north of 21st Street. McCracken affirmed that all necessary work has been completed to the city's satisfaction and in accordance with the terms outlined in the development agreement.

Motion by Chad Anderson to approve the Acceptance of Infrastructure within Paisley's Place Subdivision as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Discuss / Consider Annexation Plan for Moyles Tannery – ACTION ITEM

City Attorney Paul Ross provided information to those in attendance about the various categories for annexation. Mr. Ross specified that Moyles Tannery located at 2536 21st Street falls under Category B, necessitating an annexation plan. Ross explained that the annexation plan encompasses details such as the anticipated rise in property tax and the associated expenses for utility services.

Motion by Chad Anderson to approve the Annexation Plan for Moyles Tannery as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Discuss / Consider Proclamation in Support of city of Heyburn’s Military Caregivers in Collaboration with Idaho’s DAR and Hidden Heroes – ACTION ITEM

Those present reviewed a request for a proclamation supporting the city of Heyburn’s Military Caregivers in Collaboration with Idaho’s DAR and Hidden Heroes.

Motion by Chad Anderson to approve the Proclamation in Support of city of Heyburn’s Military Caregivers in Collaboration with Idaho’s DAR and Hidden Heroes as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Discuss / Consider 2nd Quarter Treasurers Financial Report – ACTION ITEM

Those present reviewed the 2nd Quarter Treasurers Financial Report.

Motion by Joanne Justesen to approve the 2nd Quarter Treasurers Financial Report as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Discussion / Review of 2023 Draft All Hazards Mitigation Plan

City Engineer Ivan McCracken provided an overview of the 2023 Draft All Hazards Mitigation Plan, informing attendees that since the previous discussion, the necessity of the emergency incident plan has been reassessed. It has been determined that the city's inclusion in the county's plan renders a separate plan unnecessary.

Mayors Time, Committee Reports, and Department Reports.

Councilwoman Joanne Justesen provided a brief update from the Joint Animal Control Facility stated that they received a grant in the amount of \$4,540 from the Pet Friendly License Plates for the spay and neuter program.

The mayor provided an update from the mayors meeting, highlighting the challenges faced by the recreation district in gathering sufficient signatures for inclusion on the ballot. Additionally, the progress towards establishing a new animal control facility was discussed, with the mayor noting ongoing efforts to attain 501(c)(3) status for the facility.

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 invited members of the public to share their comments by opening the floor.

No comments made.

Executive Session Pursuant to Idaho Code 74-206(1)(c) To acquire an interest in real property not owned by a public agency; 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 Chad Anderson to go into executive session pursuant to Idaho Code 74-206(1)(c) and (f). Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Executive Session Minutes

The Executive Session was conducted by Mayor Dick Galbraith. The topics were a matter of (c) interest in real property and (f) pending litigation.

The Executive Session began at 8:04 PM.

No decisions were made.

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

Executive Session returned to open session at 8:20 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 Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

The council meeting adjourned at 8:21 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer