

City of Heyburn Council Meeting & Public Hearing
Wednesday, April 26, 2023
7:00 P.M.

Mayor: Dick Galbraith.

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

Employees Present:

Tony Morley, Ivan McCracken, Ririe Thomander, 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 requested a motion to amend the agenda to include subsection (f) to the Executive Session item.

Motion by Rick Tundag to amend the agenda adding subsection (f) to executive session. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Consider the Minutes of the April 12, 2023 City Council Meeting & Public Hearing – ACTION ITEM

Those present reviewed the minutes of the April 12, 2023 City Council Meeting & Public Hearing.

Motion by Joanne Justesen to approve the minutes of the April 12, 2023 City Council Meeting & Public Hearing as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

Those present reviewed the detailed check register.

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

Introduction of New RV Camp Hosts – Dalton & Deanna Tessier

The mayor welcomed the new Riverside RV Camp Hosts, Dalton and Deanna Tessier, to the podium. The Tessiers introduced themselves as avid RV enthusiasts from Montana, having traveled extensively throughout all lower 48 states. The attendees warmly welcomed the couple to Heyburn.

Discuss / Consider Facility Use Application and Permit for May 11, 2023, Riverside Park for a Community Service Fundraiser – Krystal Young – ACTION ITEM

This item was tabled.

Discuss / Consider Options for Securing the Cities Financial Investments – First Federal Bank – ACTION ITEM

Tiffany Warr and Chris Reid from First Federal Bank presented sweep account and CD proposals. The CD proposals included three different options ranging from 3-month CDs to 12-month CDs with a one-time early withdrawal without penalty option. The bank also offered a business sweep account that would be secured by government and agency securities and would honor the current Investment Pool rate of 4.33% and follow it. Although the sweep account had a monthly cost of \$90.00, the interest earned would cover the expenses and still provide a reasonable amount of interest for the city.

Motion by Chad Anderson to approve the Business Sweep Account option with First Federal Bank for the cost of \$90 a month honoring the current State Investment Pool Rate as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Public Hearing - AMENDING Heyburn Zoning Code, pursuant to Idaho Code 67-6511, Title 8, Chapter 13, Sections 14, 15, and adding a new Enforcement Section, to clarify the continuing obligations, procedures for enforcement, nuisance, and penalties available.

City Attorney Paul Ross stated the hearing is for updates and changes to the zoning code to provide for clarity in abatement and enforcement of the Zoning Code. Mr. Ross stated Planning & Zoning conducted a hearing on April 18, 2023, and has recommended that the proposed changes be presented to the city council for further consideration.

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.

Hearing no further comments, Mayor closed the public hearing.

Discuss / Consider Amending Ordinance No. 2023-671 Ordinance of the City of Heyburn Updating Zoning Ordinance to Exclude Concrete Plants from Industrial Light Zones, Renumbering Parcels Near the Intersection of Q Street and 18th Street, Updating Due date for City Bills and when Late Fees Begin to Accrue, Clarifying who May Issue a Notice to Abate, how Notice to Abate may be Served for Abandoned and Wrecked Vehicles or Property and Clarifying Zoning Code Enforcement and Penalties. Third and Final Reading – ACTION ITEM

Those present reviewed Ordinance No. 2023-671. City Attorney Paul Ross presented an overview of the ordinance, which involves several updates to the zoning code. These updates

include excluding concrete plants from industrial light zones, renumbering parcels located near the intersection of Q Street and 18th Street, adjusting the date on which late fees for utility bills begin to accrue, and making changes to the abatement and zoning code regarding enforcement and penalties.

City Attorney also reviewed Idaho Code 50-901 and 902 with those present.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2023-671 once by title only for the second of three readings. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2023-671 by title only.

Motion by Chad Anderson to adopt Ordinance No. 2023-671 as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Public Hearing - Application for Zoning submitted by the City of Heyburn pursuant to Idaho Code 67- 6511 of the property belonging to the City of Heyburn contiguous to the City of Heyburn. The Heyburn Parcel, an open field located east of the intersection at H Street and 10th Street, Heyburn, Idaho, and is currently zoned as Agricultural Medium by Minidoka County.

City Attorney Paul Ross stated Planning & Zoning held a hearing on April 18, 2023, and recommended that the zoning of the city owned property be designated as Commercial General. Mr. Ross mentioned that the city has already acquired the property, and the hearing only applies to the south side of 10th Street and is for zoning purposes only.

Those speaking in favor were: None.

Those speaking neither in favor nor against were: None.

Those speaking against were: None.

Hearing no further comments, Mayor closed the public hearing.

Discuss / Consider Ordinance No. 2023-673 Ordinance of the City of Heyburn, Annexing Property Owned by City of Heyburn, Unincorporated Agricultural Minidoka County Open Field Property Located East of the Intersection of H Street and 10th Street, Heyburn, Idaho, to City of Heyburn; Zoning Property as Commercial General; Amending Zoning Map. First of Three Readings – ACTION ITEM

Those present reviewed Ordinance No. 2023-673.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2023-673 once by title only. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2023-673 by title only.

Motion by Joanne Justesen to suspend the rule requiring three readings and adopt in one reading as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Consider Establishment of No Parking Zone on 21st Street: West Corporate Boundary to Z Street – ACTION ITEM

City Engineer Ivan McCracken stated that a moving truck recently parked in the eastbound lanes of 21st Street to unload items into a storage unit. The truck's presence caused eastbound traffic to detour into the westbound lanes, creating hazardous driving conditions. This area of 21st Street is transitioning from a narrow 2 lane road to a wider 3 lane section, making it particularly dangerous for drivers. Staff is recommending that the City Council consider posting the eastbound side (south side) of 21st Street between the west city Corporate Boundary and Z Street as a No Parking zone. This would help ensure the safety of drivers and prevent future traffic disruptions in that area.

City Attorney Paul Ross informed those present that in order to enforce the proposed no parking zone on 21st Street, the city parking ordinance would need to be updated. Mr. Ross confirmed that he would begin working on the necessary changes to the ordinance.

Motion by Joanne Justesen to approve the Establishment of No Parking Zone on 21st Street: West Corporate Boundary to Z Street as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Consider Asphalt Paving Proposal for O Street and S/20th Street – ACTION ITEM

City Engineer Ivan McCracken presented a bid from Kloepfer Inc. was presented for the necessary asphalt work on O Street and S & 20th Street. City Engineer Ivan McCracken cautioned that the bid only provided estimated amounts, which could fluctuate based on the actual length of each project. Additionally, Mr. McCracken noted that Street Division Head Myron McCarty was requesting that Kloepfers also handle the saw cutting portion of the project, as the division did not have the appropriate equipment or personnel to complete it in a timely manner and may burn up city equipment.

Motion by Chad Anderson to approve the Asphalt Paving Proposal for O Street and S/20th Street in the estimated amount of \$24,000 as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Consider Parks & Recreation Division Head Job Description – ACTION ITEM

Those present reviewed the Job Description for Parks and Recreation Division Head and discussed adding language to the education and training section regarding obtaining an Arborist License.

Motion by Chad Anderson to approve the Parks & Recreation Division Head Job Description adding Arborist License to be obtained within 1 year of the date of hire under the education and

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

Discuss / Consider Increasing the Monthly Salary of the Mayor and City Council Members – ACTION ITEM

The City Council has requested that the city staff provide a proposal for their consideration regarding an increase in the monthly salary of the Mayor and City Council members.

This item was tabled.

Mayors Time and Committee Reports

Councilwoman Justesen shared updates from Joint Powers Animal Control, which included a grant for dog food, dog beds, and tracking software for the facility. She also provided an update from the Mayors Youth Council, stating that a resolution would soon be presented to the council, and the first event was scheduled for May 17, 2023, from 5 PM to 7 PM at the City of Rupert.

Mayor Galbraith updated the attendees on the ongoing remodeling of the Police Department. He also mentioned that an increasing number of residents were struggling to pay their utility bills, and the Municipal Services Department was actively seeking resources to assist those in need.

City Engineer Ivan McCracken shared exciting news about Phase 2 of 21st Street. The city had received funding approval, and they were now two years ahead of schedule, with a planned start year of 2027.

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.

Comments made by one member of the public.

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 pursuant to Idaho Code 74-206(1)(b) and (f). Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

Executive Session Minutes

The Executive Session was conducted by Mayor Dick Galbraith. The topics were a matter of (b) personnel and (f) litigation.

The Executive Session began at 8:34 PM.

No decisions were made.

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

Executive Session returned to open session at 9:40 PM.

Discuss / Consider Disbanding the Police Reserve Program – ACTION ITEM

Chief Police Ryan Bertalotto stated the reserve program has been a concern as the city has worked to improve the police department and reduce liability. He provided an overview of the history of reserve programs and how they are of benefit, he also outlined their liabilities and administration concerns.

Motion by Rose Schmitt to approve Disbanding the Police Reserve Program for now. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Nay; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Motion to Adjourn – ACTION ITEM

Mayor Galbraith asked for a motion to adjourn the meeting.

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

The council meeting adjourned at 10:00 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer