

**City of Heyburn Council Meeting & Public Hearing**  
**Wednesday, April 27, 2022**  
**7:00 P.M.**

**Mayor:** Dick Galbraith.

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

**Employees Present:**

Tony Morley, Ivan McCracken, Jose Paz, Jerome Fagaldefeg, Myron McCarty, Brian Vail, Ryan Bertalotto, Roman Seipert, Paul Ross, and Ashlee Langley.

**Welcome & Pledge**

Meeting conducted by Mayor Dick Galbraith who welcomed everyone to the meeting and lead those present in the Pledge of Allegiance.

**Discuss / Consider the Minutes of the April 13, 2022 City Council Meeting**  
– **ACTION ITEM**

Those present reviewed the minutes of the April 13, 2022 City Council Meeting.

After review, motion by Chad Anderson to approve the minutes of the April 13, 2022 City Council Meeting as presented. Second by Joanne Justesen. 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 bills as presented.

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

**Discuss / Consider Lease Agreement & Concessionaire's License for 2022 with Idaho Water Sports – ACTION ITEM – Nate Ashby**

Idaho Water Sports representative Nate Ashby asked the council to consider approval of the Lease Agreement & Concessionaire's License for 2022. Mr. Ashby stated they are not requesting any changes to the agreement this year.

After discussion, motion by Joanne Justesen to approve the Lease Agreement & Concessionaire's License for 2022 with Idaho Water Sports as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Waiver of Fees for the use of Riverside Park Large Pavilion – Oats Family Center - Friday, May 20, 2022 – ACTION ITEM**

Sally Hall with Oats Family Center asked the council to consider waiving the fees for the use of the Large Pavilion at Riverside Park for a Walk for Wellness event on May 20, 2022, at 5:00 PM. The event is designed to promote living well, loving life, and being healthy. The Oats Family Center obtained the necessary insurance for the event and provided the required deposit.

After discussion, motion by Chad Anderson to approve waiving the fee for the use of Riverside Park Large Pavilion for Oats Family Center on Friday, May 20, 2022, as presented but to require insurance and deposit for the event. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Bids for Fence at Street Department Building – ACTION ITEM**

Facility Department Head Jerome Fagaldefeg provided those present two bids for fencing at the Street Department Building.

After discussion, motion by Chad Anderson to approve the bid from 3H Fence Company in the amount of \$11,600 (any additional cost increases due to price inflation at the mayor's discretion) to install fencing at the Street Department Building. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Project Quote for the Installation of Additional Cameras at Heyburn Riverside RV Park – ACTION ITEM**

Parks Department Head Jose Paz asked the council to consider a project quote provided from Eminent Technical Solutions for the installation of a multi-head camera and repurposing some of the existing cameras to other areas of the park to provide better coverage.

After discussion, motion by Chad Anderson to approve the quote from Eminent Technical Solutions for the installation of additional cameras at Heyburn Riverside RV Park in the amount of \$6,360 as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Kings Row, Queens Way, and Elk Meadows Overlay Project Quotes – ACTION ITEM**

Street Department Head Myron McCarty provided those present with bids for asphalt overlay on Kings Row, Queens Way, and Elk Meadows.

After review, motion by Rose Schmitt to approve the bid from Kloepfer, Inc. in the amount of \$37,429.57 for Overlay Projects as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider “O” Street Lift Station Backup Generator Purchase – ACTION ITEM**

Wastewater Department Head Brian Vail presented bids to purchase a backup generator for O Street Lift Station. Mr. Vail stated he plans to use funds received from the Gem Grant to pay for the generator purchase.

After review, motion by Rick Tundag to approve the bid from Energy Management in the amount of \$26,340 for a backup generator for O Street Lift Station as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Resolution No. 2022-2 Resolution of the City of Heyburn Declaring Surplus Personal Property, Authorizing and Directing Disposal of Surplus Property, Providing for Related Matters – ACTION ITEM**

Those present reviewed Resolution No. 2022-2 for the authorization and disposal of surplus personal property including the disposal of a compost turner, Kenwood shoulder mics, charging bases, radio pouches, and Kenwood handheld radios.

City Attorney Paul Ross stated this resolution allows the city to convey such property to another Idaho Governmental Entity per Idaho Code 50-1405.

Motion by Chad Anderson to adopt Resolution No. 2022-2 declaring items in Exhibit A of the resolution as surplus and authorizing the disposal of such items as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Public Hearing for the Annexation and Zoning Pursuant to Idaho Code 50-222 and 67-6511 of Properties belonging to JC Van Orden LLC, Farmers Electric Company, Victor Tyler, Joshnik LLLP, Parkbrice Investments LLP, and Brisco Inc. contiguous to the City of Heyburn.**

City Attorney Paul Ross provided a brief introduction to the Public Hearing for the zoning of properties belonging to JC Van Orden LLC, Farmers Electric Company, Victor Tyler, Joshnik LLLP, Parkbrice Investments LLP, and Brisco Inc. contiguous to the City of Heyburn.

Mayor Galbraith opened the public hearing for the zoning of the properties described in the Hearing Notice.

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 Galbraith closed the public hearing.

**Discuss / Consider Adopting Ordinance No. 2022-655 Ordinance of the City of Heyburn, Annexing Commercial Properties Located in Wayside Subdivision and Public Lands for Interstate 84, Highway 24, Minidoka Irrigation District, and Eastern Idaho Railroad, Unincorporated Minidoka County Properties Located on the North of Interstate 84 from 400 West Road to Highway 24, following the Highway 24 and Eastern Idaho Railroad Corridor North to 300 South Road, and the Western Portion of Wayside Subdivision,**

**Heyburn, Idaho, to City of Heyburn, Zoning Property as Commercial General; Amending Zoning Map – ACTION ITEM**

Those present discussed Ordinance No. 2022-655 recognizing this as a Category B Annexation the City Council reviewed the Application for Annexation and Zoning, the Annexation Plan and Idaho Code 50-222. Council discussed the applicable requirements and exceptions to permit such an annexation and found that the annexation meets those requirements and does not fall within any of the exceptions. After review of the Annexation Plan and proposal, impacts on the various parts of the city and other taxing entities, that such annexation is consistent with the public purposes stated. Lastly, that the annexation is reasonably necessary for orderly development of the city and the region. The Council also reviewed potential zoning for the parcel and found the County's designation and recommendation the Planning & Zoning Commission of Commercial General suitable to be carried over for this parcel after annexation.

After discussion, motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2022-655 reading once by title only as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2022-655 once by title only.

Motion by Joanne Justesen to waive the rule requiring three readings and adopt Ordinance No. 2022-655 in one reading as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Purchase & Sale Agreement with Wayside Estates Association, Inc. – ACTION ITEM**

City Attorney Paul Ross presented a Purchase & Sale Agreement signed by Wayside Estates Association, Inc for the purchase of the well, related water rights, and land related to the well, all easements, alleys, roadways, and all infrastructure for water and wastewater purposes related to Wayside Subdivision.

Those present also discussed setting June 07, 2022, at 5:30 PM as the date for the Joint Hearing with Wayside Estates Association, Inc. for the dissolution of the Wayside Sewer District.

Motion by Joanne Justesen to approve the Purchase & Sale Agreement with Wayside Estates Association, Inc. in the amount of \$113,217.81 and the final subsequent billing from Mountain Water Works as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Bids for the Purchase of Fuel Tank(s) – ACTION ITEM**

Jerome Fagaldefeg presented bids for the purchase of additional fuel tanks to be placed at the city shop located on 18<sup>th</sup> & J Street. Those present discussed the installation of cameras on the fuel tanks and what departments would be utilizing these tanks.

After discussion, motion by Chad Anderson to approve the bid from JME Ellsworth for the purchase of fuel tanks in the amount of \$18,049.09 (any additional costs associated to inflation at

the mayor's discretion). Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Submitting a Grant Application to the U.S. Department of Justice for the Body-Worn Grant – ACTION ITEM**

Chief Bertalotto asked the City Council for permission to apply for the U.S. Department of Justice Body-Worn Grant. Chief explained to those present that the grant is a match grant meaning the city would be required to fund a portion if the grant is awarded.

After discussion, motion by Chad Anderson to approve applying to the U.S. Department of Justice for the Body-Worn Grant as presented authorizing the mayor's signature on the associated grant documents. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Submitting a Grant Application to the U.S. Department of Justice for the Cops Grant – ACTION ITEM**

Chief Bertalotto asked the City Council for permission to apply for the U.S. Department of Justice Cops Grant stating this grant is a match grant as well.

Motion by Rose Schmitt to approve applying to the U.S. Department of Justice for the Cops Grant as presented authorizing the mayor's signature on the associated grant documents. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Mayors Time and Committee Reports**

Councilwoman Joanne Justesen stated the next Joint Powers Animal Control Meeting is scheduled for May 09, 2022. Those that are interested in the clerical position would need to present a bio to be considered prior to the next meeting.

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

Mayor Galbraith opened the time for comments from the public.

Comments were made by two members of the public.

Chief Bertalotto introduced Officer Roman Seipert to those present.

**Executive Session – Pursuant to Idaho Code 74-206(1)(c) - To acquire an interest in real property not owned by a public agency. – ACTION ITEM**

Motion by Joanne Justesen to go into executive session pursuant to Idaho Code 74-206(1)(c). Second by Rose Schmitt. 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 Galbraith. The topic was a matter of (c) interest in real property.

The Executive Session began at 9:03 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; Rose Schmitt – Aye; Rick Tundag – Aye.

Executive Session returned to open session at 9:23 PM.

**Motion to Adjourn – ACTION ITEM**

Mayor Galbraith asked for a motion to adjourn the meeting.

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

The council meeting adjourned at 9:23 PM.

Dick Galbraith  
Mayor

Ashlee Langley  
City Clerk/Treasurer