

**City of Heyburn Council Meeting**  
**Wednesday, May 24, 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, 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.

**Discuss / Consider the Minutes of the May 10, 2023 City Council Meeting**  
**– ACTION ITEM**

Those present reviewed the minutes of the May 10, 2023 City Council Meeting.

Motion by Chad Anderson to approve the minutes of the May 10, 2023 City Council Meeting as presented. Second by Rose Schmitt. 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 Rose Schmitt to approve the bills as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Waiver of Fees for Use of Riverside Park Amphitheater for August 05, 2023 – C.A.S.E – Education & Awareness Against Human Trafficking - CeLes Hawkes**  
**– ACTION ITEM**

Celes Hawkes requested the city council to consider waiving the fees associated with the utilization of Riverside Park Amphitheater on August 5, 2023. The purpose of this request is to organize a fundraiser event aimed at promoting education and raising awareness against human trafficking. Ms. Hawkes represents an organization called C.A.S.E (Citizens Against Sexual Exploitation and Crimes), which had a significant opportunity a few years ago to collaborate with K9 Newton, a member of the Rupert Police Department's Investigations Unit.

The objective of this fundraiser is to secure the necessary funds for the annual recertification of Newton, as well as the procurement of essential forensic equipment, which is vital for the continuation of their program. Ms. Hawkes emphasized that the event would feature various activities such as Axe Throwing, Bouncy Houses, Corn Hole, Face Painting, Raffle Prizes, Food Vendors, and Free Entertainment. The event is planned to take place between 5 PM and 7 PM,

allowing attendees to partake in the festivities while supporting the cause against human trafficking.

Motion by Joanne Justesen to approve waiving the Fees for the use of Riverside Park Amphitheater for August 05, 2023, for the C.A.S.E – Education & Awareness Against Human Trafficking event but to require proof of liability insurance. 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 Use of Central Park – ACTION ITEM**  
**2023 Lunch in the Park Program – Russ Taylor**

Those present reviewed the request for waiver of fees for the use of Central Park for the Minidoka County School Districts Lunch in the Park Program.

Motion by Chad Anderson to approve the waiver of fees for the use of Central Park for the Minidoka County Lunch in the Park Program but to require proof of liability insurance. 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 2023 – Yajayra Garcia**  
**– ACTION ITEM**

This item was tabled.

**Discuss / Consider Appointment of Roy Belnap to Heyburn Urban Renewal Agency**  
**– ACTION ITEM**

Mayor Galbraith formally requested the city council to affirm his appointment of Roy Belnap to the Heyburn Urban Renewal Agency. The mayor expressed his confidence in Mr. Belnap's capabilities and qualifications to fulfill this role. Mayor Galbraith also extended his gratitude to Mr. Belnap for accepting the appointment.

Motion by Joanne Justesen to affirm the appointment of Roy Belnap to the Heyburn Urban Renewal Agency. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Road Repairs on Rocky Road – ACTION ITEM**

Street Department Manager, Myron McCarty, proposed repairs of Rocky Road. Recognizing the cost associated with tearing out and replacing the road, Mr. McCarty proposed an alternative solution to prolong the life of the existing road.

In his presentation, Mr. McCarty suggested a quote for repair work that would focus on addressing the specific issues and challenges faced by the road. This approach would offer a more cost-effective option compared to a complete reconstruction. By implementing targeted repairs, the aim is to extend the lifespan of the road and ensure its continued usability.

Mr. McCarty emphasized the importance of exploring alternative options that are both financially feasible and practical, while still maintaining the necessary standards of quality and safety.

Motion by Chad Anderson to approve the Road Repairs on Rocky Road in the amount of \$33,310 as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Ordinance No. 2023-672 Ordinance of the City of Heyburn Increasing Monthly Salary of Mayor and City Council Members Beginning in 2024. Second Reading – ACTION ITEM**

Those present reviewed Ordinance No. 2023-672 as presented.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2023-672 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. 2023-672 once by title only.

**Discuss / Consider Ordinance No. 2023-674 Ordinance of the City of Heyburn Renumbering Address for Ark Animal Hospital, clarifying when Parking on a Public Road or Easement is Permitted, Clarifying How Parking Zones are Created, Requiring a City Map for Parking Zones, and other Error Corrections. Second Reading – ACTION ITEM**

Those present reviewed Ordinance No. 2023-672 as presented. City Attorney Paul Ross stated the only change made to the ordinance from the initial reading was the correction of Higley's Addressing and correction to the recitals.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2023-674 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. 2023-674 once by title only.

**Discuss / Consider iWorQ Services Agreement for Building Applications and Services – ACTION ITEM**

City Administrator Tony Morley presented the iWorQ Services Agreement to those present. Mr. Morley stated that the Building Department will benefit from the services iWorQ has to offer with their upgraded format which allows online interaction between the city and customers. Mr. Morley stated the subscription fee is in the amount of \$6,650 annually.

Motion by Chad Anderson to approve the iWorQ Services Agreement for Building Applications and Services with the annual payment amount of \$6,650 as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Submit Application for Body Armor Grant with Department of Justice – ACTION ITEM**

Police Chief Ryan Bertalotto asked the city council for approval to submit a grant application to the Department of Justice for their Body Armor Grant. Chief Bertalotto provided those in attendance a brief overview of the grant program.

Motion by Rose Schmitt to approve the submittal of a grant application to the Department of Justice for the Body Armor Grant as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

### **Mayors Time & Committee Reports**

Councilwoman Joanne Justesen provided a brief update to those present regarding Joint Powers Animal Control.

**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.

### **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; (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)(f). Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye; Rick Tundag - Aye.

City Attorney, Paul Ross, introduced Steven Taggart, who was in attendance, to Mayor and Council.

### **Executive Session Minutes**

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

The Executive Session began at 7:50 PM.

No decisions were made.

Motion by Joanne Justesen 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 8:23 PM.

**Motion to Adjourn – ACTION ITEM**

Mayor Galbraith asked for a motion to adjourn the meeting.

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

The council meeting adjourned at 8:23 PM.

Dick Galbraith  
Mayor

Ashlee Langley  
City Clerk/Treasurer