

City of Heyburn Council Meeting & Public Hearing
Wednesday, June 28, 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 June 14, 2023 City Council Meeting
– ACTION ITEM**

Those present reviewed the minutes of the June 14, 2023 City Council Meeting.

Motion by Chad Anderson to approve the minutes of the June 14, 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 Joanne Justesen to approve the bills as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Consider Waiver of Fees and Monetary Contributions to the Annual Riverton Pumpkin Festival – Hope Organization, Kari Anderson – Riverside Park – Saturday, October 07, 2023 – ACTION ITEM

Kari Anderson asked the city council to consider waiving the fees for the use of Riverside Park on Saturday, October 07, 2023, for the Annual Riverton Pumpkin Festival. Mrs. Anderson thanked the council for their prior monetary contribution, stating the funds have helped pay for insurance and pumpkins for the prior events.

Councilman Anderson disclosed he is a member of the HOPE Organization but would not receive any financial gain from any decision made.

Motion by Joanne Justesen to approve the waiver of fees for Riverside Park for Saturday, October 07, 2023, and a monetary contribution in the amount of \$1,000 to the Annual Riverton Pumpkin Festival, Hope Organization as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Public Hearing for ZONING, Pursuant to Idaho Code 67-6511, of the properties belonging to Chocata, Inc. RP10S23E140628 and RP10S23E141225, an open field located east and south of the home located at 341 West 400 South Road, Heyburn, Idaho

Those present reviewed the proposed zoning of Commercial Local as recommended by the Planning & Zoning Commission.

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 Ordinance No. 2023-675 Ordinance of the City of Heyburn, Annexing Properties Owned by Chocata, Inc., Unincorporated Agricultural Minidoka County Open Field Properties located East and South of the Home located at 341 West 400 South Road, Heyburn, Idaho, to City of Heyburn; Zoning Property as Commercial Local; Amending Zoning Map. First Reading – ACTION ITEM

Those present reviewed the proposed zoning and annexation of the properties belonging to Chocata Inc., located east and south of the home located at 341 west 400 South Road, Heyburn. City Attorney Paul Ross stated the annexation is consensual and the developers intend to construct multi-story and multifamily buildings on the property which the Commercial Local zoning designation allows for.

Councilwoman Joanne Justesen stated the councilmembers received an email from one resident in support of the annexation.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2023-675 once by title only. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2023-675 by title only.

Motion by Joanne Justesen to waive the rule requiring three readings and adopt Ordinance No. 2023-675 in one reading as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Discuss / Consider Ordinance No. 2023-678 Ordinance of the City of Heyburn, adopting an Updated Parking Map Under Heyburn Code 6-2-5 – ACTION ITEM

City Attorney Paul Ross and City Engineer Ivan McCracken presented a proposed Parking Map to those present. Mr. McCracken stated that at a prior meeting it was requested that city staff create a map to define no parking zones throughout the city.

Motion by Rick Tundag to have City Attorney Paul Ross read Ordinance No. 2023-678 once by title only. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2023-678 by title only.

Motion by Rick Tundag to waive the rule requiring three readings and adopt Ordinance No. 2023-678 in one reading as presented. Second by Chad Anderson. 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. Third Reading – ACTION ITEM

Those present reviewed Ordinance No. 2023-672 for the third reading.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2023-672 once by title only for the third and final reading. 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. 2023-672 by title only.

Motion by Chad Anderson to adopt Ordinance No. 2023-672 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

Mayors Time and Committee Reports

No Committee Reports.

Mayor Galbraith shared highlights from the Association of Idaho Cities Annual Conference encouraging individuals to be in contact with legislators regarding the lack of funding to cities.

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 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 Dick Galbraith. The topics were a matter of (f) litigation and (b) personnel.

The Executive Session began at 7:38 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 8:22 PM.

Discuss / Consider Employee Request for Leave without Pay – ACTION ITEM

Motion by Joanne Justesen to approve 90 calendar days of leave that will consist of a combination of paid and unpaid leave for the employee who requested leave without pay. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; 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 Joanne Justesen 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 8:26 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer