

**City of Heyburn Council Meeting & Public Hearing**  
**Wednesday, July 23, 2025**  
**7:00 P.M.**

**Mayor:** Dick Galbraith.

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

**Employees Present:**

Ivan McCracken, Ryan Bertalotto, Jerome Fagaldefeg, Noah Shiner, Ririe Thomander, David Roundy, 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.

**Consent Agenda – ACTION ITEM**

*The consent calendar consists of items that are considered to be routine in nature and will be enacted in the form of one motion. Any item can be removed from the consent calendar and heard in its regular order at the request of any council member or the mayor.*

- a. **Approve the Minutes of July 09, 2025 City Council Meeting and July 15, 2025 Special City Council Meeting**
- b. **Approve Paying the Bills**
- c. **Approve FY 2025-26 Beer, Wine, and Liquor Licenses**

Motion by Chad Anderson to approve the items on the consent agenda. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Presentation of Idaho POST Executive Certification to Chief Bertalotto**

Brad E. Johnson, Division Administrator with Idaho Peace Officer Standards and Training (POST), presented the Idaho POST Executive Certification to Chief Bertalotto. Mr. Johnson also read a biography highlighting Chief Bertalotto’s accomplishments throughout his distinguished career. Attendees joined in congratulating Chief Bertalotto on this significant achievement.

**Continued Public Hearing for the Vacation of the Croft Acres West Subdivision requested by Lightning Land and Development LLC located north of the intersection of 500 West/I Street and 31<sup>st</sup> Street, Heyburn, Idaho**

City Attorney Paul Ross stated there is a proposed subdivision for the Northgate area, located north of the canal and north of the Interstate. Specifically, this subdivision is planned just south of the LDS Church. In order to proceed with the development, there is currently a one-acre lot within an existing subdivision that must be vacated.

Mr. Ross stated this vacation request was properly noticed and brought before the Planning and Zoning Commission, which has recommended approval. However, to help avoid unnecessary costs and additional work, we are requesting that the ordinance for the vacation be read at this

time but not formally adopted until the final plat for the new subdivision is also ready for approval. This approach allows both actions to proceed together more efficiently.

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. 2025-710 Ordinance of the City of Heyburn, Vacating Croft Acre West Subdivision Created in Minidoka County Now Located within City of Heyburn, Retaining All Utility, Roadway, and Irrigation Easements and Rights of Way, Conveying Property Back to Remaining Mother Parcel, Amending Street Map, Ordering New Legal Description, Providing Effective Date. Third Reading. – ACTION ITEM**

Those present reviewed Ordinance No. 2025-710.

Motion by Rick Tundag to have City Attorney Paul Ross read Ordinance No. 2025-710 once by title only for its third reading. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2025-710, once by title only.

**Continued Public Hearing for Preliminary and Final Subdivision Application by Lightning Land and Development LLC for their open field properties located north and northwest of the intersection of 500 West/O Street and 31<sup>st</sup> Street, Heyburn, Idaho, consisting of RPH61500090010 and a portion of RPH00000090321**

City Attorney Paul Ross stated that this matter had previously gone before the Planning and Zoning Commission. At that time, the Commission approved and recommended moving forward with the preliminary plat only. However, upon further review and discussion of related items, it was discovered that this particular application had not been properly noticed in accordance with the City Code.

Specifically, the required notice was not posted on the property, which means the public hearing before the Planning and Zoning Commission was not valid. As a result, the process must be restarted to ensure compliance with the notice requirements. The parties involved intend to continue moving forward but will need to begin the process again to address the procedural issue.

This item was tabled.

**Discuss / Consider Preliminary and Final Subdivision Application by Lightning Land and Development LLC for their open field properties located north and northwest of the intersection of 500 West/O Street and 31<sup>st</sup> Street, Heyburn, Idaho, consisting of RPH61500090010 and a portion of RPH00000090321 – ACTION ITEM**

This item was tabled.

**Discuss / Consider Ordinance No. 2025-712 Ordinance of the City of Heyburn, Dedicating Portion to 19<sup>th</sup> Street from the Ballfields, Amending all Heyburn Maps to include the New Portion of 19<sup>th</sup> Street, Providing Effective Date. Third Reading. – ACTION ITEM**

Those present reviewed Ordinance No. 2025-712. City Attorney Paul Ross stated that this is the final reading concerning an oversight related to the Pratt agreement. In the original ordinance, the City vacated portions of 19th Street, and H Street, including areas around the ball fields. However, the legal description inadvertently omitted an additional 40-foot section beyond the property line between Elk Meadows and the Pratt property.

Rather than amending the original ordinance, which could present complications, the City is now proceeding with dedicating that omitted portion back as public roadway. This action aligns with the prior agreement made with Ms. Pratt to maintain that area as part of the public right-of-way.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2025-712 once by title only for the third reading. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2025-712 once by title only.

Motion by Chad Anderson to adopt Ordinance No. 2025-712 as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Discuss / Consider Ordinance No. 2025-713 Ordinance of the City of Heyburn, Dedicating J Street Realignment Portions on North Side of Intersection with State Highway 24/30, Amending all Heyburn Maps to Include the New J Street, Providing Effective Date. Second Reading. – ACTION ITEM**

Those present reviewed Ordinance No. 2025-713, which dedicates the J Street realignment portions on the north side of the intersection with State Highway 24/30. City Attorney Paul Ross confirmed that there were no changes to the ordinance from the previous reading.

Motion by Rick Tundag to have City Attorney Paul Ross read Ordinance No. 2025-713 once by title only for the second reading. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2025-713 once by title only.

**Discuss / Consider Ordinance No. 2025-703 Ordinance of the City of Heyburn, Replacing Title 4 Chapter 1 to Provide Purpose; Definitions; Abbreviations; Duties of Department Head; Exclusive Ownership, Management, and Control; Use of Public Owned Treatment Works Required; City not Liable For Damages; Storm Water not Permitted in POTW;**

**National Pretreatment Standards: Prohibited Discharges; National Pretreatment Standards: Categorical Standards; State Requirements; Local Limits; Rights of Revision; Dilution; Special Agreements; Approval Required for Wastewater; Pretreatment Facilities; Deadlines for Compliance with Applicable Pretreatment Requirements; Additional Pretreatment Measures; Accidental Spill Prevention Plans; Wastewater Line Maintenance; Wastewater Service Line; Wastewater Service Connection Fees; Wastewater Service Repair; Permit Required to Work on Public Wastewater; Notice of Inspection; Right to Revoke Permission; Wastewater Construction Specifications; Submission of Information; Injury to Wastewater System Unlawful; Industrial User Inventory; Service Call Charge; Water Discharge Permits – Existing SIU’s; Water Discharge Permits – New Sources and New User; Wastewater Discharge Permits – Extra-Jurisdictional Users; Wastewater Discharge Permit Application Contents; Signatory and Certification Required; Wastewater Discharge Permit Decisions; Wastewater Discharge Permit Contents; Wastewater Discharge Permit Appeals; Wastewater Discharge Permit Duration; Wastewater Discharge Permit Modification; Wastewater Discharge Permit Transfer; Wastewater Discharge Permit Revocation; Wastewater Discharge Permit Reissuance; Final and Initial Compliance Reports; Periodic Compliance Report; Compliance Schedules for Applicable Pretreatment Standards; Notification of Material Production Changes; Hazardous Waste Notification; Notice of Potential Problems, Including Accidental Spills, Slug Loadings; Non-Compliance Reporting; Notification of Changed Discharge; Reports from Unpermitted Users; Analytical Requirements; Monitoring of User’s Wastewater; Inspection and Sampling; Monitoring Facilities; Search Warrants; Confidential Information; Publication of Users in Significant Non-Compliance; Notification of Violation; Consent Orders; Show Cause Hearing; Compliance Orders; Cease and Desist Orders; Administrative Fines, Attorney Fees and Costs; Emergency Suspensions; Performance Bonds; Liability Insurance; Termination of Utility Services; Public Nuisances; Informant Rewards; Contractor Listing; Affirmative Defenses to Discharge Violations; Wastewater User Service Charge; Computation of Industrial Waste Service Charge; Transition Rates for Industrial Users; Grease Interceptor; Interceptors Required to Remove Harmful and Termination of Utility Service; Septic Tank Waste; Extension of Wastewater Lines; Recovery of Costs; Falsifying Information; Limitation of Liability; Injunctive Relief; Civil Penalties; Criminal Penalties; Remedies Non-Exclusive; Clarifying Plats Existing before Zoning Code Included in Subdivisions; Updating References to City Administrator; Replacing 3-1-31 Water User Service Charge; Publication by Summary, and Effective Date. Third Reading. – ACTION ITEM**

City Attorney Paul Ross stated that the City had received feedback from the Department of Environmental Quality (DEQ), which included minor changes and suggested edits to the ordinance. Mr. McCracken compiled a list of these revisions, which is included in the file.

Mr. Ross explained that he had not yet had the opportunity to incorporate the changes into the ordinance for final approval, nor had he completed the summary for publication. As a result, he requested that the item be tabled until the next meeting. Mr. Ross added that he would work to upload the revised documents during the week so that Council members would have sufficient time to review and consider them prior to the next Council meeting.

**Discuss / Consider Resolution No. 2025-4 Resolution of the City of Heyburn Declaring Surplus Personal Property, Authorizing and Directing Disposal of Surplus Property, Providing for Related Matters. – ACTION ITEM**

General Services Division Head Jerome Fagaldefeg presented Resolution No. 2025-4 to those present. Mr. Fagaldefeg stated that the resolution pertains to the surplus of various Police Department items, including wireless keyboards, monitors, computer mice, digital cameras, and similar equipment. Mr. Fagaldefeg requested that these items be declared surplus.

Motion by Stegen Phillips to adopt Resolution No. 2025-4 as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Discuss / Consider Ordinance No. 2025-714 Ordinance of the City of Heyburn, Adding Provisions to Heyburn Code 6-5 Regarding Minors, Renumbering Curfew Regulations, Adding Purpose and Authority, Definitions, Minor Runaways Prohibited, Aiding Runaway Prohibited, Incurable Prohibited, Failure to Supervise Prohibited, Providing Effective Date. First Reading – ACTION ITEM**

City Attorney Paul Ross explained that recent changes to state truancy and runaway laws have made them difficult to enforce at the county level. In response, the County Prosecutor and Police Chief have requested that the City of Heyburn adopt an ordinance to address these issues locally.

This is the first reading of the proposed ordinance, which aims to supplement existing curfew regulations by adding provisions for runaways and truancy. Mr. Ross noted that some revisions may follow and acknowledged concerns about potential state preemption, but emphasized the need for a local solution due to gaps in the current state code.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2025-714 once by title only for the first reading. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2025-714 once by title only.

**Discuss / Consider the Adoption of the 2025-26 FY Tentative Budget – ACTION ITEM**

Mayor Galbraith noted that the L-2 forms had not yet been received, leaving the City uncertain about the final tax revenue amount. To maintain flexibility, he instructed the City Clerk to increase the estimated amount beyond the original projection. An additional \$30,000 was included, which will not affect the budget unless those funds are actually received and spent. This adjustment ensures the City can access all eligible tax revenue.

City Clerk Ashlee Langley stated that the L-2 form included in the council packet is a draft, and although the County had hoped to provide the final version by today, it was not yet available. Nevertheless, the City must proceed with publication to meet budget deadlines.

Mayor Galbraith also acknowledged that staff engagement in this year's budget process was limited but confirmed that the tentative budget was ultimately completed.

Motion by Rick Tundag to adopt the 2025-26 FY Tentative Budget as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Discuss / Consider Ordinance No. 2025-715 Ordinance for Annual Appropriation of the City of Heyburn for the Fiscal Year Beginning 1 October 2025, Appropriating the Sum of \$22,475,342 to Defray the Expense and Liabilities of the City of Heyburn for the Fiscal Year, Authorizing a Levy of Sufficient Tax Upon Taxable Property, and Specifying the Objects and Purposes for which said Appropriation is made.**

**First Reading. – ACTION ITEM**

City Council raised concerns about the rushed budget process and lack of engagement from some department and division heads, despite initial numbers being submitted as early as May.

Motion by Stegen Phillips to have City Attorney Paul Ross read Ordinance No. 2025-715 once by title only for the first reading. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2025-715 once by title only.

**Discuss / Consider Provider of Choice contract, and Product Choice with Bonneville Power Administration – ACTION ITEM**

Those present discussed the Provider of Choice contract, and Product Choice with Bonneville Power Administration.

Motion by Stegen Phillips to approve the Provider of Choice contract, selecting the default Product Choice with Bonneville Power Administration as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Discuss / Consider Application for Entry into the Irrigation Rate Discount (IRD) Program – Provider of Choice Contract – ACTION ITEM**

This item was tabled.

**Discuss / Consider 18<sup>th</sup> Street Improvements Payment Application No. 5 – ACTION ITEM**

City Engineer Ivan McCracken presented 18<sup>th</sup> Street Payment Application No. 5. Mr. McCracken noted that, most of the work is complete. The City is currently working with the contractor to ensure the new 12-inch water line passes sterilization testing, as it has not yet met the bacteria-free standard and is not yet in service.

Paving will not proceed until the line passes testing and City crews complete the transfer of services from the existing 10-inch line to the new 12-inch line. Once that occurs, the project will move forward more rapidly toward final paving.

Mr. McCracken requested payment to A & B Excavating in the amount of \$165,581.39, which includes the deduction of the required 5% retainage.

Motion by Rick Tundag to approve the 18<sup>th</sup> Street Improvements Payment Application No. 5 in the amount of \$165,581.39 as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Discuss Walking Path Crosswalk**

City Engineer Ivan McCracken noted that he is in the process of reviewing the Uniform Traffic Control Devices Manual, though the review is not yet complete. Mr. McCracken posed a question to the Council regarding the scope of the proposed crosswalks, specifically, whether they are intended only for the crossings at Blue River Drive and Selway Drive, or if they should also include crosswalks across the driveway entrances to the school.

It was clarified that grant funds are available to cover the initial installation of the selected crosswalks. However, ongoing maintenance would be the responsibility of Street Division and is not covered by the grant, a factor the Council should consider when making a final decision.

This item was continued.

**Discuss / Consider Semiquincentennial Celebration Options – ACTION ITEM**

City Attorney Paul Ross reviewed ideas for the Semiquincentennial Celebration, noting examples such as a Liberty Bell replica, a war monument, or a traditional cenotaph. A recent Gold Star memorial in Pocatello, created by Memorial Monuments, was included in the council packet as a reference along with other examples.

This item was continued.

**Discuss / Ratify Signing of the Local Professional Services Agreement for 21<sup>st</sup> Street Phase 2 – ACTION ITEM**

City Attorney Paul Ross asked the City Council to consider ratifying the signing of the Local Professional Services Agreement for 21st Street, noting that Page 4 includes an added item code certification. While the City typically includes standard anti-boycott language, it was omitted from this agreement with ITD and Civil Science due to low risk.

After the agreement was approved, Civil Science added language specific to Israel, modifying the contract. The Council is now asked to ratify this change. Although broader language was considered, it was determined that the modification is minor and acceptable, and the City will move forward as-is.

Motion by Chad Anderson to approve ratifying the signing of the Local Professional Services Agreement for 21<sup>st</sup> Street Phase 2 as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Discuss / Consider 21<sup>st</sup> Street and O Street Future Improvements – ACTION ITEM**

City Attorney Paul Ross provided background on the City’s ongoing efforts to acquire right-of-way for the 21st Street expansion, referencing past acquisitions under Mayor Gallegos, including

parcels from United Electric, the Seventh-day Adventist Church, Mr. Hruza, and the Thompson property. Some properties remain unacquired following Council's prior decision to pause further acquisitions.

Currently, additional right-of-way is needed along O Street, and Council was presented with three options: Acquire land and construct left-turn lanes now; design for future turn lanes but delay construction; or proceed without turn lanes, accepting future traffic limitations.

This item was continued.

**Discuss / Consider Bids for Sprinklers and Hydroseed for Riverfront Park – ACTION ITEM**

City Engineer Ivan McCracken provided an update on the 319 grant project for riverfront stabilization. As part of the effort to reduce sediment runoff into the Snake River, the City proposed installing grass to act as a natural filter. The Department of Environmental Quality (DEQ) has authorized the use of grant funds to install a sprinkler system to support this effort. Mr. McCracken presented two bids for councils consideration.

Motion by Chad Anderson to approve the bid from 208 Landscape & Garden Center LLC for the installation of sprinklers and hydroseeding at Riverfront Park in the amount of \$22,500, as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Discuss / Consider Bids for Irrigation Pump for Riverfront Park – ACTION ITEM**

City Engineer Ivan McCracken presented two bids for a new irrigation pump at Riverfront Park, noting that the existing pump must be replaced to support the expanded irrigation area.

Motion by Stegen Phillips to approve the bid from The Sprinkler Shop, Inc. for the installation of an irrigation pump at Riverfront Park in the amount of \$49,733, as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

**Mayors Time & Committee Reports**

No Committee Reports were presented.

Mayor Galbraith reported attending the opening ceremony of the Magic Valley Folk Dance Festival, noting a smaller number of international groups this year. He shared his experience at the event, held at the Wilson Theater, where attendees had the opportunity to sit with and interact directly with team representatives.

Mayor Galbraith stated a naming issue was raised regarding the park areas near the Riverside RV Park and the amphitheater walking path. It was suggested that the entire area be officially named "Riverside Park" to avoid confusion. Staff was directed to place the item on the next agenda for formal action and to consider adding signage.

It was also noted that the walking path has been successfully paved. Appreciation was expressed to City Engineer Ivan McCracken for his hands-on involvement and dedication to the project.

**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.

There were no comments from 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 Stegen Phillips to go into executive session pursuant to Idaho Code 74-206(b) and (f). Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

The Executive Session began at 8:23 PM.

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

No decisions were made.

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

Executive Session returned to open session at 8:59 PM.

### **Motion to Adjourn – ACTION ITEM**

Mayor Dick Galbraith asked for a motion to adjourn the meeting.

Motion by Rick Tundag to adjourn the council meeting. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

The council meeting adjourned at 9:00 PM.

Dick Galbraith  
Mayor

Ashlee Langley  
City Clerk/Treasurer