

**City of Heyburn Council Meeting & Public Hearing Minutes**  
**Wednesday, July 25, 2018**  
**7:00 P.M.**

**Mayor:** Mayor Cleo Gallegos.

**Council Present:** Chad Anderson, Dick Galbraith, Joanne Justesen, and Rose Schmitt.

**Employees Present:**

Dan Bristol, Ashlee Langley, and Paul Ross.

**Welcome & Pledge**

Meeting conducted by Mayor Cleo Gallegos who welcomed everyone to the meeting.

Mayor Gallegos asked City Resident Edward Gemar to lead those present in the Pledge of Allegiance.

Mayor Gallegos excused City Administrator Tony Morley from the meeting and welcomed Heyburn Building Inspector Ernest Juarez to the meeting.

**Discuss / Consider Minutes of the July 11, 2018 Special & Regular Council Meeting – ACTION ITEM**

Motion by Chad Anderson to approve the minutes of the July 11, 2018 Special & Regular Council Meeting as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Paying the Bills – ACTION ITEM**

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

**Discuss / Consider the Adoption of the 2018-19 FY Tentative Budget – ACTION ITEM**

Those present reviewed the 2018-19 FY Tentative Budget.

Motion by Dick Galbraith to adopt the 2018-19 FY Tentative Budget. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Decision regarding Election v. Judicial Confirmation for Water & Wastewater – ACTION ITEM**

The city council reviewed options for election v. judicial confirmation for the water and wastewater improvements. City Council discussed concerns with asking the citizens to vote for something that if it got voted down they would have no choice but to do it anyway. The city council also discussed concerns with timelines if they went with an election.

City Attorney Paul Ross stated that the city will still need to go through a public notification process as well as a public hearing before making the final decision to move forward with judicial confirmation. Mr. Ross stated that tonight the council just needs to provide direction to start the process of either an election or judicial confirmation.

Motion by Joanne Justesen to move forward with Judicial Confirmation for Water & Wastewater improvements as opposed to the election. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Ordinance No. 2018-597 for the Annexation of Right-of-Way for 21<sup>st</sup> Street – With Suspension of the Rule Requiring Three Reading and Adopt in One Reading - ACTION ITEM**

**ORDINANCE NO. 2018-597**

ORDINANCE OF THE CITY OF HEYBURN, ANNEXING CITY'S RIGHT-OF-WAY FOR 21<sup>ST</sup> STREET PROPERTY, UNINCORPORATED MINIDOKA COUNTY PROPERTY ADJACENT IMMEDIATELY NORTH OF 21<sup>ST</sup> STREET AND EAST OF 600 WEST ROAD, TO CITY OF HEYBURN.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2018-597 for the Annexation of Right-of-Way for 21<sup>st</sup> Street, with suspension of the rule requiring three readings and read one time by title only. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2018-597 one time, by title only.

Motion by Dick Galbraith to adopt Ordinance No. 2018-597 for the Annexation of Right-of-Way for 21<sup>st</sup> Street. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Approval of the Advanced Metering Infrastructure Agreement with Sensus USA, Inc. – ACTION ITEM**

City Attorney Paul Ross presented the Advanced Metering Infrastructure Agreement with Sensus USA, Inc. Mr. Ross stated changes have been made to the agreement to correct the non-appropriations clause limitation of liability, choice of forum clause, and limiting liability only to the software side of the contract.

Motion by Joanne Justesen to approve the advanced Metering Infrastructure Agreement with Sensus USA, Inc. as presented. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider the FY 2018-19 Beer & Wine Licenses: – ACTION ITEM**

**TAG, Inc.**

**Hub Plaza**

**Love's Travel Stops & Country Stores, Inc.**

**Joe's River Bar**

**Conner's Café Inc.**

Motion by Joanne Justesen to approve the FY 2018-19 Beer & Wine Licenses as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

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

Mayor Gallegos stated that she and Council President Joanne Justesen attended the Magic Valley Folk Festival Parade.

Mayor Gallegos stated the Chinese elm trees have been removed on the corner of 20<sup>th</sup> & O Street.

Mayor Gallegos congratulated the council on the tough decisions they have had to make on budget and the water and wastewater improvements.

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

Mayor Gallegos opened this time up to the public for additional comments.

### **Executive Session**

**Pursuant to Idaho Code 74-206(1) (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. The mere presence of legal counsel at an executive session does not satisfy this requirement.**

This item was determined not needed.

### **Discuss / Consider the Environmental Protection Agency Administrative Order on Consent**

Motion by Dick Galbraith to approve the Environmental Protection Agency Administrative Order on Consent as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

### **Public Hearing for the Application submitted by MBB Properties for Knudsen's Industrial Park Subdivision on 310 South 600 West for Preliminary Re-plat – 208 Business Park. This property is located in the Commercial General Zoning District**

The Public Hearing was continued to the August 08, 2018 City Council Meeting & Public Hearing due to non-appearance of Applicant.

### **Discuss / Consider the Application submitted by MBB Properties for Knudsen's Industrial Park Subdivision on 310 South 600 West for Preliminary Re-plat – 208 Business Park. – ACTION ITEM**

This item was continued to the August 08, 2018 City Council Meeting & Public Hearing due to non-appearance of Applicant.

### **Motion to Adjourn**

Mayor Cleo Gallegos asked for a motion to adjourn the meeting.

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

The council meeting adjourned at 7:28 PM.

Cleo Gallegos  
Mayor

Ashlee Langley  
City Clerk/Treasurer