

City of Heyburn Council Meeting & Public Hearing Minutes
Wednesday, August 08, 2018
7:00 P.M.

Mayor: Mayor Cleo Gallegos.

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

Employees Present:

Tony Morley, Dan Bristol, Ashlee Langley, and Paul Ross.

Welcome & Pledge

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

Mayor Gallegos asked Councilman Dick Galbraith to lead those present in the Pledge of Allegiance.

Discuss / Consider Minutes of the July 25, 2018 Council Meeting & Public Hearing – ACTION ITEM

Motion by Joanne Justesen to approve the minutes of the July 25, 2018 Council Meeting & Public Hearing 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 Dick Galbraith 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.

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

Mike Tilley with MBB Properties presented the Preliminary Re-plat Application for the old Knudsen’s Industrial Park Subdivision on 310 South 600 West for the development of 208 Business Park. Mr. Tilley stated that he and his business partner Brian Tibbets owned Budget Truck Sales in Burley but outgrew the facility they were located. Mr. Tilley stated they plan to relocate that business on a portion of property in the proposed business park. Mr. Tilley stated the proposal is for 13 lots, three of which they will be using for their own business. The other 10 lots will be developed and available for future sale allowing other businesses to come into the park.

Mr. Tilley stated as the developer they will put in the infrastructure of the streets, reopening Second Street and adding Oregon Avenue to make the lots accessible to businesses. Mr. Tilley stated they will also put in all the infrastructure for utilities, curb, gutter, and asphalt.

Mr. Tilley informed those present that they have been working with the Heyburn Urban Renewal Agency for the cost involved with putting in the infrastructure.

Mr. Tilley provided those present with a picture of what the Budget Truck Sales facility would look like. Mr. Tilley stated the building would be 155ft in length 95ft wide with drive through bays. Mr. Tilley stated that all though they are putting up a steel building they have added features to make it look nice. Mr. Tilley shared the protective covenants that have been put in place to insure structures going into the development will be appealing.

Mr. Tilley stated the protective covenants specifically apply to the 13 lots that MBB Property owns. The protective covenants exclude Idaho Power, Kenworth, and the City of Heyburn as these are already established lots.

The protective covenants include the following

- A minimum building size of 2500 sq. ft.
- A minimum of two exterior textures on all four sides of the buildings.
- Parapet roof or a minimum of three roof lines.
- All lots will be required to be asphalt or concrete in the main traffic areas.
- Parallel with the cities requirement of sidewalks, will be a requirement to do a strip of landscaping.
- Each property owner will be required to maintain their own storm water.
- Signage will need to be professional and backlit if its street front.
- No overnight street parking will be allowed.
- All fencing will need to be new and the materials that will be accepted will be rod iron, chain-link, vinyl, no wood or used materials will be allowed.

Mayor Cleo Gallegos opened the continuation of public hearing.

Mayor Gallegos asked for those speaking in favor of the Preliminary Re-plat Application submitted by MBB Properties for the proposed 208 Business Park to step forward.

Those speaking in favor were: None.

Mayor Gallegos asked for those speaking against the Preliminary Re-plat Application submitted by MBB Properties for the proposed 208 Business Park to step forward.

Those speaking against were: None.

Mayor Gallegos asked for those speaking neither against nor in favor of the Preliminary Re-plat Application submitted by MBB Properties for the proposed 208 Business Park to step forward.

Those speaking in neither against nor in favor were: None.

Hearing no further comments, Mayor Gallegos closed the public hearing.

City Administrator stated there were a few things brought up at the Planning & Zoning meeting that need to be addressed. Mr. Morley stated that there was a name change proposed after the application was already submitted. Mr. Morley stated there were also a couple of consents that

the Planning & Zoning Commission recommended come before city council for preliminary plat approval. Mr. Morley stated that if the council decides to approve the re-plat these consents would need to be obtained regarding the final plat. Mr. Morley asked City Attorney Paul Ross to address these concerns.

City Attorney Paul Ross stated that the application, request for re-plat, and Notice of Public Hearing for Planning & Zoning as well as City Council is for 208 Business Park and in order to change the name to Business Park 208 the applicant would need to go back before the Planning & Zoning Commission with a reapplication. Mr. Ross stated that moving forward the applicant as well as the City needs to be clear on what name will be used. Mr. Ross stated that the application can be approved tonight conditional on keeping the name of 208 Business Park. Mr. Ross stated that if the applicant wishes to change the name then the application would have to go back before the Planning & Zoning Commission and start the process over again. Mr. Ross stated the name change was also reflected on the consents but again can be approved tonight conditional on keeping the original name of 208 Business Park and updating the consents for final approval.

Mr. Ross stated somehow the city's waterline ended up under the fence of Treadway. Mr. Ross stated that the city wanted to make sure that the easement would allow the city access to its line in order to maintain it in the future. Mr. Ross stated there was also an easement removed from the Idaho Power property under the latest version of the plat.

The other conditions were the CC&R would not apply to Idaho Power, Kenworth, and the City of Heyburn and the Developers Agreement would need to be in place after the preliminary plat is approved for final approval.

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

Mayor Gallegos opened the time up to the city council for discussion.

Motion by Joanne Justesen to approve the Preliminary Re-plat Application submitted by MBB Properties for Knudsen's Industrial Park Subdivision on 310 South 600 West with the conditions that were mentioned including the name staying "208 Business Park", and the consents for the water line as well as the easement being taken care of. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Public Hearing for the Final Plat Application submitted by Q&K Properties for Paisley's Place Subdivision north of 21st Street and Q Street. This property is located in the Commercial Local Zoning District

Jake Southwick represented Q&K Properties for the development of Paisley's Place Subdivision north of 21st Street and Q Street. Mr. Southwick stated the Final Plat application includes the items that were added by the city during the Preliminary Plat stage.

City Administrator Tony Morley stated the last item that needs addressed for the development of Paisley's Place Subdivision is the Developers Agreement.

Mayor Cleo Gallegos opened the public hearing.

Mayor Gallegos asked for those speaking in favor of the Final Plat application submitted by Q&K Properties for Paisley's Place Subdivision to step forward.

Those speaking in favor were: None.

Mayor Gallegos asked for those speaking against the Final Plat application submitted by Q&K Properties for Paisley's Place Subdivision to step forward.

Those speaking against were: None.

Mayor Gallegos asked for those speaking neither against nor in favor of the Final Plat application submitted by Q&K Properties for Paisley's Place Subdivision to step forward.

Those speaking in neither against nor in favor were: None.

Hearing no further comments, Mayor Gallegos closed the public hearing.

Discuss / Consider the Application for Final Plat submitted by Q&K Properties for Paisley's Place Subdivision north of 21st Street and Q Street. – ACTION ITEM

Mayor Gallegos opened the time up to the city council for discussion.

Motion by Dick Galbraith to approve the Final Plat application submitted by Q&K Properties for Paisley's Place Subdivision north of 21st Street and Q Street with the condition of a Developers Agreement in place before construction begins. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Wastewater Collection and Treatment Environmental Study J-U-B Engineers, Inc. - Ivan McCracken – ACTION ITEM

Ivan McCracken, Project Engineer for J-U-B Engineers, Inc. presented the Wastewater Collection and Treatment Environmental Study to those present. Mr. McCracken stated this is an extension of the original contract for the Wastewater Collection Master Plan. This extension allows J-U-B Engineers, Inc. to submit an Environmental Impact document for both the Wastewater Collection and the improvements at the Wastewater Treatment Plant that will be submitted to the Department of Environmental Quality for approval. Mr. McCracken stated this study will not cost the city any money because DEQ has offered additional funding in order to cover the cost of the study. Mr. McCracken explained that this type of study is required whenever you apply for federal grant funding.

Motion by Chad Anderson to approve the Wastewater Collection and Treatment Environmental Study with J-U-B Engineers, Inc. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Opening Pickleball Fund– ACTION ITEM

Motion by Joanne Justesen to approve opening Pickleball Fund for donations. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Resolution No. 2018-9 Adopt Snake River Pickleball Committee & Appoint a Councilmember to the Committee – ACTION ITEM

RESOLUTION NO. 2018-9

RESOLUTION OF THE CITY OF HEYBURN PROVIDING THE CREATION OF A PICKLEBALL COMMITTEE AND PROVIDING FOR COMMITTEE'S OPERATION

Motion by Joanne Justesen to approve Resolution No. 2018-9 Adopt the Heyburn Pickleball Committee & Appoint Councilmember Chad Anderson to the Committee. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Grant Proposals for the Construction of Pickleball Courts – DeAnn Campbell – ACTION ITEM

- **Project Mutual Telephone Foundation:** Proposed Grant Amount of \$5,000
- **Seagraves Family Foundation, Inc.:** Proposed Grant Amount of \$129,506
- **Simplet Proposal Management System:** Proposed Grant Amount of \$129,506
- **St. Lukes Magic Valley Community Health Improvement Fund:** Proposed Grant Amount of \$20,000
- **SW Region Grant Cycle:** Proposed Grant Amount of \$5,000
- **Walmart Foundation Community Grant Program:** Proposed Grant Amount of \$5,000

DeAnn Campbell presented the above grant application to those present.

Motion by Joanne Justesen to approve the Grant Proposals for the Construction of Pickleball Courts as presented by DeAnn Campbell. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Access Idaho Prompt Pay Service Level Agreement for Electronic Transaction and Access – ACTION ITEM

City Clerk Ashlee Langley presented the Access Idaho Prompt Pay Service Level Agreement for Electronic Transaction and Access to those present. Mrs. Langley stated the proposal is an addition to the original agreement the city has with Access Idaho. This addition would allow the city the option of sending a text message and/or email link to city resident that would allow them to pay their utility bills electronically. Mrs. Langley stated the links sent via text or email would expire in the amount of time the city allowed the customer to make their payment and a new link would need to be sent once the original link expired allowing the city control over payments being made through this method.

Motion by Joanne Justesen to approve the Access Idaho Prompt Pay Service Level Agreement for Electronic Transaction and Access. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider ArcGIS Desktop Basic Single Use Primary and Secondary Maintenance Renewal with Environmental Systems Research Institute, Inc. – ACTION ITEM

City Clerk Ashlee Langley stated the ArcGIS Desktop Agreement is an annual renewal of the GIS System software.

Motion by Chad Anderson to approve the ArcGIS Desktop Basic Single Use Primary and Secondary Maintenance Renewal with Environmental Systems Research Institute, Inc. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Declaring the 2018A Surplus List as Surplus – ACTION ITEM

City Administrator Tony Morley presented the 2018-A Surplus List to those present. Mr. Morley explained some of the items on the list have been previously declared as surplus by the city council but were never officially dealt with and the city still has these items. Mr. Morley stated if the council approves the list tonight these items will be placed on a couple of different public auction sites.

Motion by Rose Schmitt to approve declaring the 2018-A Surplus List as Surplus. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Mayors Time & Committee Reports

Mayor Cleo Gallegos invited the council to contact Water Department Manager Eric Christensen to see Well #2 and have the needed upgrades explained.

Council President Joanne Justesen provided those present with an update from the most recent Animal Control Board meeting. Mrs. Justesen stated the Board of Trustees were invited to this meeting and some of the needs of the current facility. Mrs. Justesen provided City Clerk Ashlee Langley with the General Ledger reports to share with the city council electronically. Mrs. Justesen also shared an update regarding the tour of the Humane Society. Mrs. Justesen also mentioned that Rupert Animal Control Officer Debbie Heinze mentioned raising the fees to the City of Heyburn. The current fee is \$55.00 per dog and does not cover the total spay and neuter costs. The proposed fee is \$110.00.

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)(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. The mere presence of legal counsel at an executive session does not satisfy this requirement.

Motion by Dick Galbraith to go into Executive Session as per Idaho Code 74-206(1)(b) personnel and (f) litigation. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Executive Session Minutes

The Executive Session was conducted by Mayor Cleo Gallegos. The topics were a matter of (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.

No decisions were made.

The Executive Session began at 8:20 PM and returned to open session at 9:13 PM.

Motion to Adjourn

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

Motion by Joanne Justesen 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 9:13 PM.

Cleo Gallegos
Mayor

Ashlee Langley
City Clerk/Treasurer