

**City of Heyburn Council Meeting & Public Hearing**  
**Wednesday, August 26, 2020**  
**7:00 P.M.**

**Mayor:** Mark Rosa.

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

**Employees Present:**

Paul Ross and Ashlee Langley.

**Welcome & Pledge**

Meeting conducted by Mayor Mark Rosa who welcomed everyone to the meeting and asked Police Corporal Cole Kuta to lead those present in the Pledge of Allegiance.

**Discuss / Consider Minutes of the August 12, 2020 Council Meeting - ACTION ITEM**

Those present reviewed the minutes of the August 12, 2020 Council Meeting.

Motion by Joanne Justesen to approve the minutes of the August 12, 2020 Council Meeting as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye.

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

Those present reviewed the bills.

Questions were asked regarding the bills from Mountain Side Electric, Ibex Controls LLC, and Mad River Laser.

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

**Discuss / Consider Fall Cleanup with Total Waste Management – ACTION ITEM**

After discussion regarding costs associated with doing a fall cleanup, this item was tabled to the next regularly scheduled council meeting for further consideration.

**Discuss / Consider Submission of Reimbursements through the Coronavirus Relief Fund (CARES Act) – List #2 – ACTION ITEM**

City Clerk Ashlee Langley presented Coronavirus Relief Fund List #2 in the amount of \$847.32. Items on the list included gloves, face masks, hand sanitizers, disinfectant wipes, and thermometers. Mrs. Langley asked the council to consider approving the submission for cost reimbursement through the CARES Act for List #2.

Motion by Dick Galbraith to approve submission of reimbursements for List #2 through the Coronavirus Relief Fund (CARES Act) in the amount of \$847.32 as presented. Second by Rose

Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Public Hearing on the FY 2020-21 Budget**

Mayor Rosa opened the public hearing for the Fiscal Year 2020-21 Budget.

Mayor Rosa asked for those speaking in favor of the Fiscal Year 2020-21 Budget to step forward.

*Those speaking in favor were: None.*

Mayor Rosa asked for those speaking neither against nor in favor of the Fiscal Year 2020-21 Budget to step forward.

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

Mayor Rosa asked for those speaking against the Fiscal Year 2020-21 Budget to step forward.

*Those speaking against were: None*

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

**Discuss / Consider the FY 2020-21 Budget - ACTION ITEM**

Those present reviewed the Fiscal Year 2020-21 Budget.

Motion by Chad Anderson to approve the Fiscal Year 2020-21 budget as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider / Adoption of Ordinance No. 2020 - 629 An Ordinance Entitled the Annual Appropriation Ordinance for the Fiscal Year beginning October 1, 2020, Appropriating the Sum of \$19,216,875 to Defray the Expense and Liabilities of the City of Heyburn for said Fiscal Year, Authorizing a Levy of a Sufficient Tax Upon the Taxable Property and Specifying the Objects and Purposes for which said Appropriation is Made - ACTION ITEM – With Suspension of the Rule Requiring Three Readings and Adopt in One Reading.**

Those present reviewed Ordinance No. 2020-629 the Annual Appropriations Ordinance for Fiscal Year beginning October 1, 2020.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2020-629 once, 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. 2020-629 once, by title only.

Motion by Joanne Justesen to adopt Ordinance No. 2020-629 Annual Appropriation Ordinance with suspension of the rule requiring three readings and adopt in one reading as

presented. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Adopting Ordinance No. 2020-628 Ordinance of the City of Heyburn, Repealing and Adopting New Title 1 Chapter 8 Regarding City Council; Creating New Sections for Regular Meetings, Special Meetings, Open Meetings, Oath; Term of Office, Compensation of Council Members, President of the Council, Funds Controlled by Council, Election or Appointment by Council Seat or District, Declaration of Candidacy, Incumbents, Multiple Declarations Prohibited, Elections and Petitions for Nomination, Form of Petition, Validity of Signatures – ACTION ITEM - Second of Three Readings, by Title Only**

City Attorney Paul Ross presented Ordinance No. 2020-628 regarding duties of the city council. Mr. Ross stated the Ordinance reflects the requested changes from the last regularly scheduled council meeting where the Ordinance has its first reading.

Those present reviewed the changes.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2020-628 for the second of three readings, by title only. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2020-628 for the second of three readings, by title only.

**Discuss / Consider Adopting Ordinance No. 2020-630 Ordinance of the City of Heyburn, Repealing and Adopting New Title 1 Chapter 7 Regarding Mayor; Creating New Sections for Special Meetings, Ordinances and Contracts, Mayor may Offer Reward, Extraterritorial Powers, Compensation of Mayor, Oath; Term of Office, Declaration of Candidacy, Incumbents; Multiple Declarations Prohibited, Elections and Petitions for Nomination, Form of Petition – ACTION ITEM - First of Three Readings, by Title Only**

City Attorney Paul Ross presented Ordinance No. 2020-630 regarding duties of a Mayor to those present. Discussion regarding emergency declarations, abatement of nuisances, platting, zoning & subdivisions, public streets, public rights-of-way, and offering rewards. Mr. Ross stated the Ordinance also addresses elections, oath, term of office, compensation, and extraterritorial powers of a Mayor.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2020-630 for the first of three readings, by title only. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2020-630 for the first of three readings, by title only.

**Discuss / Consider Adopting Resolution No. 2020-7 Resolution of the City of Heyburn  
Outlining Organization and Operations of Municipal Services Department**

**– ACTION ITEM**

City Attorney Paul Ross presented Resolution No. 2020-7 to those present. Mr. Ross stated the Municipal Services Department is the organization and operations of what was formerly known as the Clerks Department.

After discussion, motion by Joanne Justesen to adopt Resolution No. 2020-7 outlining organization and operations of the Municipal Services Department as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Adopting Resolution No. 2020-8 Resolution of the City of Heyburn  
Outlining Organization and Operations of Community Development Department**

**– ACTION ITEM**

City Attorney Paul Ross presented Resolution No. 2020-8 to those present. Mr. Ross stated the Community Development Department is the organization and operations of the Building Department and Planning & Zoning Commission. Mr. Ross stated the codes have been updated in the resolution to reflect the codes that are being enforced at present.

Motion by Chad Anderson to adopt Resolution No. 2020-8 outlining organization and operations of the Community Development Department as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Adopting Resolution No. 2020-9 Resolution of the City of Heyburn  
Outlining Organization and Operations of City Attorney Department – ACTION ITEM**

City Attorney Paul Ross presented Resolution No. 2020-9 outlining the organization and operations of the City Attorney Department.

Motion by Dick Galbraith to adopt Resolution No. 2020-9 outlining organization and operations of the City Attorney Department as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Resolution No. 2020-12 Resolution of the City of Heyburn, Authorizing  
the Immediate Expenditure of Public Money to Safeguard Life, Health, and Property,  
Declaring Sole Source Provider, and Providing an Effective Date – ACTION ITEM**

City Attorney Paul Ross presented Resolution No. 2020-12. Mr. Ross stated this resolution is for the Broadband grant and needs to be in place in the event the city is funded. Mr. Ross stated this is part of the process to piggy-back off the emergency declarations the state and federal government and declaring Eminent Technical Solutions (ETS) as a sole source provider. Mr. Ross stated the project needs to be completed by December 15, 2020 so the city will be under some very tight time constraints.

Motion by Dick Galbraith to adopt Resolution No. 2020-12 authorizing the immediate expenditure based upon emergency declarations, declaring sole source provider as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Broadband Contract with ETS – ACTION ITEM**

City Attorney Paul Ross informed the council that the application was submitted, but the city has not been notified if awarded. If the project is not completed by December 15, 2020 the city will lose the grant money. Mr. Ross stated the city is currently working on agreements with the Idaho Department of Commerce and Eminent Technical Solutions (ETS) so the city will be ready to move forward if the grant is funded.

Mr. Ross discussed risks involved if the grant were to fail.

After discussion, this item was tabled.

**Discuss / Consider City and Individual Social Media Pages – ACTION ITEM**

City Attorney Paul Ross stated the city has received an opinion from Eminent Technical Solutions (ETS) and their recommendation is to not use Facebook for city notifications due to the challenges associated with records retention. Mr. Ross agreed the city should consider shutting the page down.

Motion by Dick Galbraith to approve deleting the cities Facebook page once the records have been retained. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Appointment of Human Resources Director – ACTION ITEM**

Mayor Rosa asked the council to affirm his appointment of Charity Salazar as Human Resources Director.

Motion by Joanne Justesen to decline the appointment of Charity Salazar as Human Recourses Director. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Appointment of Municipal Services Director – ACTION ITEM**

Mayor Rosa asked the council to affirm his appointment of Ashlee Langley as Municipal Services Director.

Motion by Dick Galbraith to affirm the appointment of Ashlee Langley as Municipal Services Director. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Appointment of Community Development Director– ACTION ITEM**

Mayor Rosa asked the council to affirm his appointment of Tony Morley as Community Development Director.

Motion by Joanne Justesen to affirm the appointment of Tony Morley as Community Development Director. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Executive Session**

**Pursuant to Idaho Code 74-206(1)(a) - To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general - ACTION ITEM**

Motion by Dick Galbraith to go into executive session pursuant to Idaho Code 74-206(1)(a). 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 Mark Rosa. The topic was a matter of (a) personnel.

The Executive Session began at 8:43 PM.

No decisions were made.

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

Executive Session returned to open session at 9:09 PM.

**Mayors Time & Committee Reports**

There were no committee reports.

Mayor Rosa asked the council if they had suggestions for what they would like to see on the September 1, 2020 Work Meeting Agenda.

Mayor Rosa stated he is thankful the smoke in the air has lifted.

Mayor Rosa thanked all the city employees for their work.

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

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

Comments made by one resident of the City.

**Motion to Adjourn - ACTION ITEM**

Mayor Rosa 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 9:14 PM.

Mark Rosa  
Mayor

Ashlee Langley  
City Clerk/Treasurer