

City of Heyburn Council Meeting & Public Hearing
Wednesday, August 28, 2024
7:00 P.M.

Mayor: Mayor Dick Galbraith.

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

Employees Present:

Ryan Bertalotto, Ivan McCracken, 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 the August 14, 2024 City Council Meeting

b. Approve Paying the Bills

Those present reviewed the consent agenda items.

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

Public Hearing for Fiscal Year 2024-25 Annual Appropriation 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.

City Attorney Paul Ross reviewed the budget process, noting that a Notice of Public Hearing was advertised in the Times-News, and was also posted. Mr. Ross stated that the General Fund is levying \$1,401,978 in property taxes, which represents a 3% increase—the maximum allowed by the state. Mr. Ross also reviewed the enterprise funds, emphasizing that these funds must be self-sustaining and cannot be intermixed with other funds. Mr. Ross stated that the city council has held budget workshops to get the budget put together to this point.

Mayor Galbraith opened the public hearing on the Fiscal Year 2024-25 Annual Appropriation 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.

Those speaking in favor were: None.

Those speaking neither in favor nor against were: None.

Those speaking against were:

Cleo Gallegos expressed her concerns regarding the proposed budget, highlighting that the city has considered purchasing several properties. While these properties would have benefited the city, their prices were deemed too high, though still far less than the city is paying for the Agri-Service building. She noted obtaining easements for road expansion and traffic lights raise questions about whether this responsibility lies with the city or the state. She further expressed concerns about the intent to raise rates for the third consecutive year, arguing that if the city has money to spend on property without a clear need, it should consider refraining from rate increases at this time. She suggested that the city could use these funds to help residents during tough economic times and provide a raise to its deserving and valuable employees.

Gail Gallegos went on record opposing the budget, raising concerns about the proposed 3% increase in rates, noting that utilities were already raised by 3% last year. Ms. Gallegos shared her research on utility costs in surrounding areas. Ms. Gallegos emphasized that Heyburn has the highest rates for water and electricity, arguing that these high costs are driving people out of the city. Ms. Gallegos stressed the importance of being good stewards of public funds and recommended revisiting the budget to avoid any additional rate increases.

Randall Teeter went on record opposing the budget, expressing concerns for those on fixed incomes, particularly retirees, who would struggle to keep up with any increases. Mr. Teeter questioned whether the proposed increase is intended to fund the property purchase, stating that he is completely against such a use of funds. Mr. Teeter emphasized that the impact of these increases on individuals with limited income is a significant concern, reinforcing his opposition to the budget.

Hearing no further comments, Mayor closed the public hearing.

Discuss / Consider Ordinance No. 2024-695 Ordinance for Annual Appropriation of the City of Heyburn for the Fiscal Year Beginning 1 October 2024, Appropriating the Sum of \$21,016,071 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. Third Reading. – ACTION ITEM

City Attorney Paul Ross explained the budget's function to those present, stating that the budget sets the maximum amount the city can receive or spend. Mr. Ross clarified that if the city were to receive an unexpected windfall, it would have to either decline the additional revenue or reopen the budget. Mr. Ross emphasized that the budget sets the maximum expenditure limits, but it does not establish specific rates.

Regarding the property tax levy, Mr. Ross noted that it is being set in the Ordinance. Other rate increases, while they are factored into the budget, are not automatically enacted by the budget's approval. If the rate increases do not pass, it does not affect the overall budget.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2024-695 once by title for its third and final reading. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2024-695 once by title only.

Motion by Chad Anderson to adopt Ordinance No. 2024-695 adopting on the third reading as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Public Hearing for Application for Zoning Map Amendment submitted by Landrum & Associates, Inc for the open farmland field owned by T&H Property Holdings, LLC, south of the home located at 355 West 400 South. This property is currently zoned Residential High, and the applicants are soliciting a Commercial Local Zoning Designation.

City Attorney Paul Ross stated that the city received an application for the property owned by T&H Property Holdings, LLC located south of the home at 355 West 400 South. Mr. Ross noted that the application was submitted by Landrum and Associates. Mr. Ross explained that a hearing notice was published and mailed to residents in the vicinity, and several of them attended and testified at the Planning & Zoning hearing. Planning & Zoning Commission recommended rezoning the property from Residential High to Commercial Local.

Brandon Landrum of Landrum & Associates, Inc., representing the applicant, explained that the proposal aims to rezone the property from Residential High to Commercial Local to facilitate the planned development. Mr. Landrum described the development as mixed-use, featuring single-family homes, duplexes, and potentially a 65-and-older community, along with apartment complexes and storage units. The storage units would be accessible to both the residents within the development and the broader community, necessitating the change to Commercial Local zoning to accommodate these uses. Mr. Landrum also noted that the property is currently adjacent to an area already zoned as Commercial Local.

Mayor Galbraith opened the public hearing for the Application for Zoning Map Amendment submitted by Landrum & Associates, Inc for the open farmland field owned by T&H Property Holdings, LLC, south of the home located at 355 West 400 South. This property is currently zoned Residential High, and the applicants are soliciting a Commercial Local Zoning Designation.

Those speaking in favor were:

Randall Teeter requested clarification on the exact location of the property in question.

Those speaking neither in favor nor against were: None.

Those speaking against were:

Gabriel Hammett, the owner of the property at 355 West 400 South, stated that he attended the Planning & Zoning meeting and expressed his concerns about the proposed development, which are documented in the meeting minutes. While he does not intend to oppose development, he expressed concerns about the potential implications of changing the zoning to Commercial Local. Mr. Hammett expressed a desire for assurances that the zoning change would not lead to undesired developments, such as a car wash, C Store, other commercial type uses if the planned housing does not materialize. Mr. Hammett raised concerns about the impact of the development on the road infrastructure near his property. Mr. Hammett expressed a preference for a partnership approach that would include widening the road along his property to create continuous alignment. Mr. Hammett emphasized the importance of road improvements for the safety of his family when turning in and out of their property given the high speed and heavy traffic on the road.

Hearing no further comments, Mayor closed the public hearing.

Discuss / Consider Application for Zoning Map Amendment submitted by Landrum & Associates, Inc for the open farmland field owned by T&H Property Holdings, LLC, south of the home located at 355 West 400 South changing the zoning designation from Residential High to Commercial Local – ACTION ITEM

The City Council reviewed the application for a zoning map amendment submitted by Landrum & Associates, Inc. on behalf of T&H Property Holdings, LLC, for the open farmland located south of the home at 355 West 400 South. The proposal seeks to change the zoning designation from Residential High to Commercial Local. The Council's review focused on ensuring that the amendment complies with the city's Comprehensive Plan and Zoning Ordinance, and that the rezone would be harmonious and appropriate with the existing or intended use of the surrounding area. Those present discussed the need to widen the road and add a center turn lane, emphasizing how changing the zoning designation from Residential High to Commercial Local could facilitate commercial development beyond what is currently planned for the area. Concerns were raised about the potential for broader commercial uses that could arise from the zoning change, highlighting the need to carefully consider the impact on the community and ensure that any development aligns with the intended character of the area.

Motion by Chad Anderson to approve the Application for Zoning Map Amendment submitted by Landrum & Associates, Inc for the open farmland field owned by T&H Property Holdings, LLC, south of the home located at 355 West 400 South changing the zoning designation from Residential High to Commercial Local as presented. Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Nay; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Resolution No. 2024-8 Resolution of the City of Heyburn Declaring Surplus Personal Property, Authorizing and Directing Disposal of Surplus Property, Providing for Related Matters – ACTION ITEM

Mayor Galbraith asked for this item to be tabled stating that city staff was not able to obtain the needed information before tonight's meeting.

This item was tabled.

Discussion on Resolution No. 2024-4 Resolution of the City of Heyburn, Consolidating and Adopting a Schedule of Revised Rates and Fees for Services Provided and Regularly Charged as Specified by City Code; Including Community Development, Electrical, Engineering, Municipal Services, Parks and Recreation, Police, Sanitation, Street, Wastewater, Water Departments and Divisions; Providing an Effective Date.

The City Council reviewed and discussed the proposed rate resolution. City Attorney Paul Ross noted that a hearing is scheduled for September 11th, but city staff wanted the Council to have time to review the proposed changes before the hearing. During the discussion, concerns were raised about how the proposed rate increases were determined. The Council expressed discomfort with increasing the garbage service rates until the new contracted rate was confirmed. Proposed utility rates include a 5% increase for electricity, attributed to the city needing to purchase tier 2 power, and a 3% increase for both water and wastewater services.

Discuss / Consider 2024 Fall Cleanup with Total Waste Management and United Metals LLC – ACTION ITEM

Those present discussed setting a date for the 2024 Fall Cleanup. Concerns were raised about the ongoing bidding process for sanitation services, which could impact the scheduling and coordination of the event.

After the discussion, motion by Rick Tundag to tentatively set the 2024 Fall Cleanup dates for October 19th through October 26th. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Nay; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Master Services Agreement for Transportation Plan – ACTION ITEM

City Engineer Ivan McCracken presented the Master Services Agreement for the Transportation Plan, explaining that the agreement is between the city and Civil Science. Mr. McCracken noted that the agreement has been reviewed by the Idaho Transportation Department (ITD) and Local Highway Technical Assistance Council (LHTAC). The plan will be primarily funded by Federal funds, with the city's portion being 7.34% of the total amount of \$145,311. The cities of Burley and Paul will also participate and contribute their proportional shares of the 7.34%.

Motion by Stegen Phillips to approve the Master Services Agreement for Transportation Plan as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Discuss / Consider Riverton Feeder Repair – ACTION ITEM

City Engineer Ivan McCracken updated those present on the repair of the Riverton Feeder, stating that all materials have been received except for the switches and cable wires. Mr. McCracken noted that the wires have been ordered, but due to the size of the feeder, nearly 500 feet of wire is required for the repair. United Electric attempted to purchase a partial roll, but was unable to do so, resulting in the purchase of a full 1,000-foot roll at a cost of nearly \$30,000. The excess wire will be kept on hand for future use.

Mayors Time & Committee Reports

Mayor Galbraith reported that only a couple of temporary summer help employees are still finishing up their season.

Mayor also noted that the recent road work was a success and expressed his appreciation to the public for their patience during the process.

There were no committee reports.

Councilwoman Joanne Justesen thanked the Parks Division for their excellent work in cleaning up Riverfront Park, noting that it is looking very nice.

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.

Three residents provided comments were made.

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; (c) To acquire an interest in real property not owned by a public agency; 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(1)(b), (c) and (f). Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Executive Session Minutes

The Executive Session was conducted by Mayor Dick Galbraith. The topics were a matter of (b) matters of personnel, (c) interest in real property, and (f) pending litigation.

The Executive Session began at 8:38 PM.

No decisions were made.

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

Executive Session returned to open session at 9:03 PM.

Motion to Adjourn – ACTION ITEM

Mayor Galbraith asked for a motion to adjourn the meeting.

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

The council meeting adjourned at 9:03 PM.

Dick Galbraith
Mayor

Ashlee Langlely
City Clerk/Treasurer