

City of Heyburn Council Meeting & Public Hearing
Wednesday, September 11, 2024
7:00 P.M.

Mayor: Mayor Dick Galbraith.

Council Present: Chad Anderson, Joanne Justesen, and Stegen Phillips. Rick Tundag – excused at 8:08 PM.

Employees Present:

Tony Morley, Ryan Bertalotto, Cole Kuta, Carter Hall, Ririe Thomander, Matthew Dalton, David Roundy, Noah Shiner, Andy Taylor, 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 28, 2024 City Council Meeting & Public Hearing**
- b. **Approve Paying the Bills**
- c. **Approve the Law Enforcement Policy Center Idaho Policing Policy Manual Subscription Based License Agreement**
- d. **Approve the Memorandum of Understanding Idaho ICAC Task Force Affiliate Agency**
- e. **Approve the Minidoka County Dispatch Communication Services Agreement**

Those present reviewed the consent agenda items.

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

Presentation on Road Scholar – Lisa Popoff

Lisa Popoff shared information about the Road Scholar program offered through the Local Highway Technical Assistance Council, highlighting that the program takes four years to complete and provides recognition for local road professionals in our state who successfully complete a series of training courses. Ms. Popoff then presented the Road Scholar award to Heyburn employee Jerome Fagaldefeg. Attendees congratulated Mr. Fagaldefeg on his achievement.

Swearing in of new Police Officer Andy Taylor

Mayor Galbraith swore in new Police Officer Andy Taylor. After being sworn in, Officer Taylor gave a brief introduction about himself to those present. Those present welcomed Officer Taylor to the Heyburn team.

Public Hearing pursuant to Idaho Code 63-1311A (increasing rate over 5%), will hold a required hearing for public comments regarding Resolution No. 2024-3: 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 Engineering, Water, Wastewater, Street, Sanitation, Parks and Recreation, Electrical, Municipal Services, Community Development, Police, and Legal Departments and Divisions.

City Attorney Paul Ross introduced the notice of hearing by explaining that hearings are mandated for rate increases exceeding 5%. He noted that while some of the proposed rate increases are at the 5% threshold, many are below, others involve new rates which are considered a 100% increase.

Those speaking in favor were: None.

Those speaking neither in favor nor against were: None.

Those speaking against were: Cleo Gallegos spoke against the rate increases, stating that across-the-board hikes seem unnecessary. She was initially opposed to the property purchase of the Agri-Service building but, after discussions with City Staff, she no longer objects to it. However, she remains opposed to future property purchases unless there is an immediate need. Ms. Gallegos said that her biggest concern is the \$0.50 wage increase for employees, as she feels such a small raise is a slap in the face to the employees.

Gail Gallegos expressed that, while she agreed with some of the rate increases, she believed the increase in the sewer rate was unjustified.

William Scott stated that he was against the rate increases, noting that compared to other cities, the rates in Heyburn are high. He questioned why the rates are so much higher in Heyburn than elsewhere.

Alice Nevarez spoke against the rate increases, expressing her concern about why the rates were rising. She stated that while people want to move to the city, the high rates are driving them away. Ms. Nevarez also mentioned the bad smell near the Heyburn bridge.

Hearing no further comments, Mayor closed the public hearing.

Discuss / Consider 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. – ACTION ITEM

Those present discussed the proposed rate resolution, including conversations about tier 2 electric rates and the importance of maintaining small rate increases to prevent larger hikes in the future. City Council Members questioned how some of the rate increases were determined and requested additional information. Following the discussion, it was decided to continue this item at the City Council meeting on September 25, 2024.

Discuss / Consider Requesting Conveyance of Baseball Field Parcel from United States Department of the Interior, Bureau of Reclamation – ACTION ITEM

City Attorney Paul Ross stated that the baseball field parcel is not owned by the city but by the United States Department of the Interior, Bureau of Reclamation. Mr. Ross mentioned that to transfer the parcel to the city, the Bureau is requesting the city council formally request the conveyance of the property.

Motion by Rick Tundag to approve requesting conveyance of the baseball field parcel from United States Department of the Interior, Bureau of Reclamation as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye; Rick Tundag – Aye.

Rick Tundag requested to be excused from the remainder of the meeting due to family commitments.

Discuss / Consider Easement Agreements within Biscotti Estates Subdivision with Holman, Seely, and Biscotti – ACTION ITEM

This item was tabled due to missing signatures on the documents from the parties involved.

Discuss / Consider Ordinance No. 2024-698 Ordinance of The City of Heyburn, Rezoning T & H Property Holdings LLC Property Open Field South of 355 West 400 South, Heyburn, From Residential High to Commercial Local, Amending Zoning Map. First Reading. – ACTION ITEM

Those present reviewed Ordinance No. 2024-698. City Attorney Paul Ross noted that the city council held a public hearing on August 28, 2024, the council then approved moving forward with the Planning & Zoning Commission's recommendation to rezone the open field property located south of 355 West 400 South from Residential High to Commercial Local. Mr. Ross explained that the rezone must be enacted by Ordinance, which is what is being presented tonight.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2024-698 once by title only for its first reading. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

City Attorney Paul Ross read Ordinance No. 2024-698 once by title only.

Discuss / Consider Solid Waste Bid Document – ACTION ITEM

Those present reviewed the Sanitation Agreement and Solid Waste Bid Form. Proposed changes to the Sanitation Agreement included adjustments to the time allowed for the Sanitation Independent Contractor to replace or repair damaged, missing, or lost containers, the number of cans held for special circumstances, and the surety bond amount.

Motion by Joanne Justesen to approve Solid Waste Bid Document, including the contract, with the changes discussed. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

Discuss / Consider 2024 Dodge Durango Purchase for Police Department – ACTION ITEM

This item was tabled.

Mayors Time, Committee Reports, and Department Reports

Councilwoman Joanne Justesen stated that the Joint Powers Animal Control Board will meet again on Monday, September 16, 2024, and she will provide an update after the meeting.

Those present reviewed the Department Reports for August 2024.

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.

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 Chad Anderson to go into executive session pursuant to Idaho Code 74-206(1)(b), (c) and (f). Second by Stegen Phillips. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – 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 8:41 PM.

No decisions were made.

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

Executive Session returned to open session at 9:35 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 Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Stegen Phillips – Aye.

The council meeting adjourned at 9:36 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer