

City of Heyburn Council Meeting & Public Hearing Minutes
Wednesday, September 12, 2018
7:00 P.M.

Mayor: Mayor Cleo Gallegos.

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

Employees Present:

Tony Morley, Ashlee Langley, and Paul Ross.

Welcome & Pledge

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

Mayor Gallegos asked City Resident Bill Justesen to lead those present in the Pledge of Allegiance.

Discuss / Consider Minutes of the August 22, 2018 and September 4, 2018 Council Meetings & Public Hearing – ACTION ITEM

Motion by Joanne Justesen to approve the minutes of the August 22, 2018 and September 4, 2018 Council Meetings & Public Hearing 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

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.

Discuss / Consider Resolution No. 2018-10 Making Findings and Declarations with Respect to Financing Improvements to City's Public Sewer System Facilities; Approving and Authorizing, subject to Judicial Confirmation, the Execution of a Loan Agreement for the Financing of Improvements or, Sale of Revenue Bonds; Authorizing Filing of a Judicial Confirmation Petition in the 5th District Court for Minidoka County, Idaho and providing for Related Matters; and Providing Effective Date – ACTION ITEM

RESOLUTION NO. 2018-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HEYBURN, IDAHO, MAKING FINDINGS AND DECLARATIONS WITH RESPECT TO FINANCING IMPROVEMENTS TO THE CITY'S PUBLIC SEWER SYSTEM FACILITIES; APPROVING AND AUTHORIZING, SUBJECT TO JUDICIAL CONFIRMATION, THE EXECUTION OF A LOAN AGREEMENT FOR THE FINANCING OF THE IMPROVEMENTS OR, IN THE ALTERNATIVE, THE SALE OF REVENUE BONDS; AUTHORIZING THE FILING OF A PETITION FOR JUDICIAL CONFIRMATION IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR MINIDOKA COUNTY; PROVIDING FOR RELATED MATTERS; AND PROVIDING AN EFFECTIVE DATE

City Attorney Paul Ross stated the city went through the noticing provision which required a notice to be published for a full month, The City then held a public hearing at the last council meeting for those who wished to comment in regards to the matter. Mr. Ross stated after the hearing there was a “cooling off period” which has now passed.

Motion by Chad Anderson to approve Resolution No. 2018-10 Making Findings and Declarations with Respect to Financing Improvements to the City’s Public Sewer System Facilities; Approving and Authorizing, subject to Judicial Confirmation, the Execution of a Loan Agreement for the Financing of Improvements or, Sale of Revenue Bonds; Authorizing Filing of a Judicial Confirmation Petition in the 5th District Court for Minidoka County, Idaho and providing for Related Matters; and Providing Effective Date. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Public Hearing for the Annexation and Zoning of the City’s Foxboro Property and Foxboro Subdivision Recreational Park, LLC’s Property

City Attorney Paul Ross stated the city was gifted a piece of property several years ago called the “Tree Farm”. Mr. Ross stated the city owned property lies outside city limits and the city wishes to annex it into their city boundaries. Mr. Ross explained that during this process the city discovered there was another parcel outside city limits adjacent to this property known as the Foxboro Subdivision Recreational Park, LLC. Mr. Ross stated the registered agent of the park has provided consent to annex as well as the Mayor for the parcel the city owns. Mr. Ross stated under Category A of annexation the city can move forward without all the noticing requirements that are part of Category B or C annexations. Mr. Ross stated at the last Planning & Zoning Committee meeting there were some concerns raised regarding the authority of the registered agent of the Recreational Park and whether they had permission to sign the consent but he understood those concerns were resolved.

Mayor Cleo Gallegos opened the public hearing.

Mayor Gallegos asked for those speaking in favor of the Annexation and Zoning of the City’s Foxboro Property and Foxboro Subdivision Recreational Park, LLC’s Property to step forward.

Those speaking in favor were: None.

Mayor Gallegos asked for those speaking against the Annexation and Zoning of the City’s Foxboro Property and Foxboro Subdivision Recreational Park, LLC’s Property to step forward.

Those speaking against were: None.

Mayor Gallegos asked for those speaking neither against nor in favor of the Annexation and Zoning of the City’s Foxboro Property and Foxboro Subdivision Recreational Park, LLC’s Property 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 Tony Morley addressed concerns raised after the Planning & Zoning meeting regarding property tax assessment changes through Minidoka County. Mr. Morley stated the property is currently being assessed as a non-buildable lot, if annexed into city limits, it would become a buildable lot changing the value and in turn raising the assessment cost. Mr. Morley stated he has been in contact with the owners of the subdivision and they plan to amend the subdivision to add the lot as a common lot bringing the assessment to basically zero or close to what they are currently being charged.

Discuss / Consider Ordinance No. 2018-599 Annexing City's Foxboro Property, Annexing Foxboro Subdivision Recreational Park, LLC's Property and zoning both as Residential Low. – ACTION ITEM – With Suspension of the Rule Requiring Three Readings and Adopt in One Reading

ORDINANCE NO. 2018-599

ORDINANCE OF THE CITY OF HEYBURN, ANNEXING CITY'S FOXBORO PROPERTY, ANNEXING FOXBORO SUBDIVISION RECREATIONAL PARK, L.L.C.'S PROPERTY, UNINCORPORATED MINIDOKA COUNTY PROPERTY ADJACENT IMMEDIATELY SOUTHWEST OF FOXBORO SUBDIVISION, TO CITY OF HEYBURN, ZONING BOTH AS RESIDENTIAL LOW.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2018-599 for Annexing City's Foxboro Property, Annexing Foxboro Subdivision Recreational Park, LLC's Property and zoning both as Residential Low, 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. 2018-599 one time, by title only.

Motion by Dick Galbraith to adopt Ordinance No. 2018-599 for Annexing City's Foxboro Property, Annexing Foxboro Subdivision Recreational Park, LLC's Property and zoning both as Residential Low. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Public Hearing for the Zoning of City's Right-of-Way for 21st Street Property Annexed by Ordinance No. 2018-597 as Commercial General

City Attorney Paul Ross stated that under category A you can annex property into the city then send it to the Planning & Zoning Commission for zoning designation. The two properties tonight have already been annexed and were referred to the Planning & Zoning Commission for zoning designation. Mr. Ross stated the Planning & Zoning Commission recommended Industrial Low for the Beaver Pond and Commercial General for the 21st Street Right-of-Way property.

Mayor Cleo Gallegos opened the public hearing.

Mayor Gallegos asked for those speaking in favor of the Zoning of City's Right-of-Way for 21st Street Property Annexed by Ordinance No. 2018-597 as Commercial General to step forward.

Those speaking in favor were: None.

Mayor Gallegos asked for those speaking against the Zoning of City's Right-of-Way for 21st Street Property Annexed by Ordinance No. 2018-597 as Commercial General to step forward.

Those speaking against were: None.

Mayor Gallegos asked for those speaking neither against nor in favor of the Zoning of City's Right-of-Way for 21st Street Property Annexed by Ordinance No. 2018-597 as Commercial General 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 Ordinance No. 2018-600 Zoning "Beaver Pond" Property Annexed by Ordinance No. 2018-595 as Industrial Low and City's Right-of-Way for 21st Street Property Annexed by Ordinance No. 2018-597 as Commercial General. – ACTION ITEM – With Suspension of the Rule Requiring Three Readings and Adopt in One Reading

ORDINANCE NO. 2018-600

ORDINANCE OF THE CITY OF HEYBURN, ZONING "BEAVER POND" PROPERTY ANNEXED BY ORDINANCE 2018-595 AS INDUSTRIAL LOW AND CITY'S RIGHT-OF-WAY FOR 21st STREET PROPERTY ANNEXED BY ORDINANCE 2018-597 AS COMMERCIAL GENERAL.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2018-600 for Zoning "Beaver Pond" Property Annexed by Ordinance No. 2018-595 as Industrial Low and City's Right-of-Way for 21st Street Property Annexed by Ordinance No. 2018-597 as Commercial General, 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. 2018-600 one time, by title only.

Motion by Dick Galbraith to adopt Ordinance No. 2018-600 for the Zoning of the "Beaver Pond" Property Annexed by Ordinance No. 2018-595 as Industrial Low and City's Right-of-Way for 21st Street Property Annexed by Ordinance No. 2018-597 as Commercial General. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Purchase & Sales Agreement with United Electric – ACTION ITEM

City Attorney Paul Ross presented the Purchase & Sales Agreement with United Electric to those present. Mr. Ross stated the agreement is for the purchase of the property located on the corner of O Street and 21st Street. Mr. Ross stated for future development of the area, the city felt it was important to acquire a portion of this lot. Mr. Ross stated the city contacted United Electric and

worked out an agreement for the city to purchase a portion of the property over the term of three years.

Motion by Joanne Justesen to approve the Purchase & Sales Agreement with United Electric to purchase a portion of the property located on the corner of O Street and 21st Street in the amount of \$45,000 to be paid over the term of three years. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Approve Ordinance No. 2018-601 Repealing Ordinance No. 508 and Heyburn Code Title 1 Chapter 16 which provided for the creation and operation of an Amphitheater Committee. – ACTION ITEM – With Suspension of the Rule Requiring Three Readings and Adopt in One Reading

ORDINANCE NO. 2018-601

ORDINANCE OF THE CITY OF HEYBURN, REPEALING ORDINANCE NUMBER 508 AND HEYBURN CODE TITLE 1 CHAPTER 16 WHICH PROVIDED FOR THE CREATION AND OPERATION OF AN AMPHITHEATER COMMITTEE.

City Attorney Paul Ross presented Ordinance No. 2018-601 to those present. Mr. Ross stated an Amphitheater Committee was put together for the construction and maintenance of the Heyburn Amphitheater. Mr. Ross stated the committee has not been active for a number of years therefore the City felt it was appropriate to repeal it at this time. Mr. Ross stated that if the city ever wanted to re-establish the committee he would recommend it be done by resolution rather than ordinance.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2018-601 Repealing Ordinance No. 508 and Heyburn Code Title 1 Chapter 16 which provided for the creation and operation of an Amphitheater Committee, 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. 2018-601 one time, by title only.

Motion by Joanne Justesen to adopt Ordinance No. 2018-601 Repealing Ordinance No. 508 and Heyburn Code Title 1 Chapter 16 which provided for the creation and operation of an Amphitheater Committee. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider LIHEAP 2018-19 Vendor Agreement – ACTION ITEM

City Clerk Ashlee Langley presented the 2018-19 Idaho Low-Income Home Energy Assistance Program Home Energy Vendor Agreement to those present. Mrs. Langley stated this program helps residents in the city with home heating energy costs. Mrs. Langley stated the program assisted over 100 residents last year.

Motion by Joanne Justesen to approve the 2018-19 LIHEAP Vendor Agreement as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider 2019 Idaho Transportation Department Grant – Dan Bristol – ACTION ITEM

Police Chief Dan Bristol asked the council for permission to apply for the 2019 Idaho Transportation Department Grant.

Motion by Chad Anderson to approve submitting for the 2019 Idaho Transportation Department Grant. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Offer of Terrorism Additional Coverage – ACTION ITEM

Motion by Joanne Justesen to decline the Offer of Terrorism Additional Coverage. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Options to Complete Idaho Community Development Block Grant Survey – ACTION ITEM

After a brief discussion regarding options to complete the Idaho Community Development Block Grant Survey, this item was continued.

Discuss / Consider Declaring Ferguson Waterworks as a Sole Source Provider for Sensus Metering – ACTION ITEM

City Administrator Tony Morley stated the city needs to declare Ferguson Waterworks as a Sole Source Provider for Sensus Metering in order to move forward with the meter upgrades.

Motion by Joanne Justesen to declare Ferguson Waterworks as a Sole Source Provider for Sensus Metering. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Request for Qualifications for Engineering Services for Water Facility Project Scoring Procedure – ACTION ITEM

City Administrator Tony Morley asked the city council how they would like the process to go for scoring the Request for Qualifications for Engineering Services for the Water Facility Project.

Motion by Chad Anderson to approve the Mayors recommendation to appoint Dick Galbraith, Joanne Justesen, Ashlee Langley, Tony Morley and one City Staff member as the committee for the scoring process to score the Water Facility Project Request for Qualifications. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Purchase Agreement for 1701 R Street – ACTION ITEM

City Administrator Tony Morley stated the property of 1701 R Street is located in the area where the upgrade of an additional lift station is needed. Mr. Morley stated the engineers have indicated it would be better to install a new lift station rather than upgrading the existing.

Motion by Joanne Justesen to approve the Purchase Agreement for 1701 R Street in the amount of \$117,000. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Mayors Time & Committee Reports

Councilman Chad Anderson provided an update on the Pickle ball Committee stating that all Grants have been submitted and they are still awaiting answers. Mr. Anderson stated the committee has only raised \$500.00 but they are trying to contact more businesses.

Councilman Chad Anderson also updated those present on the Pumpkin Festival scheduled for October 6, 2018 at Riverside Park in Heyburn. Mr. Anderson stated that the Jason Lugo Band will be playing at the event. They will also have pumpkins, various vendors, Rupert Police Department, Heyburn Fire Department, West End Fire Department, and Burley Fire Department.

Mayor Gallegos read a letter to those present from Senator Mike Crapo congratulating the City on their Tree City USA award.

Mayor Gallegos stated that the welcome sign being donated by Ryan Moyle is done and should be up soon.

Mayor Gallegos stated that she is excited and looking forward to working with Sara Seymour President and CEO of the Chamber of Commerce. Mayor Gallegos stated they are in the process of re-landscaping.

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)(c) to acquire an interest in real property which is not owned by a public agency; (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 Joanne Justesen to go into Executive Session as per Idaho Code 74-206(1)(c) Acquire an Interest in Real Property 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 (c) to acquire an interest in real property which is 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.

No decisions were made.

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

The Executive Session began at 8:17 PM and returned to open session at 8:26 PM.

Motion to Adjourn

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

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

The council meeting adjourned at 8:27 PM.

Cleo Gallegos
Mayor

Ashlee Langley
City Clerk/Treasurer