

**City of Heyburn Council Meeting & Public Hearing**  
**Wednesday, September 14, 2022**  
**7:00 P.M.**

**Mayor:** Dick Galbraith.

**Council Present:** Chad Anderson, Joanne Justesen, Rose Schmitt, and Rick Tundag.

**Employees Present:**

Tony Morley, Ivan McCracken, Ryan Bertalotto, 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.

Mayor Galbraith stated Councilman Rick Tundag will be joining the meeting a little late. Mayor Galbraith called the meeting to order and declared a quorum present.

**Discuss / Consider Minutes of the August 24, 2022 City Council Meeting & Public Hearing and the September 06, 2022 City Council Work Meeting – ACTION ITEM**

Those present reviewed the minutes as presented.

After review, motion by Joanne Justesen to approve the minutes of the August 24, 2022 City Council Meeting & Public Hearing and the September 06, 2022 City Council Work Meeting as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

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

Those present reviewed the bills as presented.

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

**Discuss / Consider USDA Wastewater Project Payment Concurrence No. 17 – ACTION ITEM**

City Engineer Ivan McCracken presented USDA Wastewater Project Payment Concurrence No. 17 to those present. Mr. McCracken stated the concurrence includes GSE Contractors Application No. 15 in the amount of \$88,810.75, and Forsgren Associates Inc. invoice in the amount of \$7,278.02.

Mr. McCracken provided those present with an update on the Certificate of Substantial Completion on the R & 17<sup>th</sup> Street Lift Station and Forcemain Project. Mr. McCracken stated the retainage of \$108,824.25 is being held until all conditions have been met.

After review, motion by Chad Anderson to approve the USDA Wastewater Project Payment Concurrence No. 17 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Purchase of Dump Truck for Wastewater Department**

**– ACTION ITEM**

City Engineer Ivan McCracken stated with the mayor's approval the Wastewater Department successfully purchased a 2003 International Dump Truck from PayMac, Inc in the amount of \$11,342. Mr. McCracken stated the dump truck is currently in Douglas, Wyoming and city staff has been working on arrangements to have the truck shipped to Heyburn.

Motion by Joanne Justesen to ratify the purchase of a Dump Truck from PayMac, Inc. for Wastewater Department in the amount of \$11,342 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Public Hearing for the Application for Lightning Land & Development, LLC Subdivision for Preliminary & Final Plat submitted by Zane Gillette and Tim Vaughn for their property located on open farmland north of I-84 and west of 500 West, Heyburn, ID. This property is more specifically known as TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, Section 9, A Part of The SE Quarter of the NE Quarter, MINIDOKA COUNTY, IDAHO**

Tim Vaughn applicant for the Preliminary and Final Plat of Lightning Land & Development, LLC stated the project is designed to be an upscale business park. Mr. Vaughn stated the development will include greenspace, landscaping that is attractive, and buildings with a modern design.

Mayor Galbraith opened the public hearing for the Application for Lightning Land & Development, LLC Subdivision for Preliminary & Final Plat submitted by Zane Gillette and Tim Vaughn for their property located on open farmland north of I-84 and west of 500 West, Heyburn, ID.

Those speaking in favor were: None.

Those speaking neither in favor nor against were: None.

Those speaking against were: None.

Hearing no further comments, Mayor closed the public hearing.

**Discuss / Approve Application for Lightning Land & Development, LLC Subdivision for Preliminary & Final Plat – ACTION ITEM**

Those present reviewed the application for Preliminary and Final Plat of Lightning Land & Development, LLC Subdivision.

Those present briefly discussed traffic control and plans for a secondary exit out of the subdivision. Mr. Vaughn stated the secondary exit would be addressed in Phase 2 of the development. Council referenced to minutes of Planning & Zoning and discussion.

After review, motion by Joanne Justesen to adopt the recommendation of Planning & Zoning and approve the Application for Lightning Land & Development, LLC Subdivision for Preliminary & Final Plat as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Adoption of Ordinance No. 2022-662 Ordinance of the City of Heyburn, Annexing Properties owned by Gabriel Alonzo, Unincorporated Agricultural Minidoka County Open Field Property Located East of the Intersection of “A” Street and 17<sup>th</sup> Street, Heyburn, Idaho, to City of Heyburn; Zoning Property as Residential Medium; Amending Zoning Map. Second of Three Readings – ACTION ITEM**

Those present reviewed the proposed Ordinance for the Annexing and Zoning of properties owned by Gabriel Alonzo at A & 17<sup>th</sup> Street.

After discussion, motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2022-662 once by title only for the second of three readings. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2022-662 by title only.

Motion by Chad Anderson to adopt Ordinance No. 2022-662 waiving the rule requiring three readings and adopt on the second reading authorizing the mayor’s signature. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Ordinance No. 2022-664 Ordinance of the City of Heyburn, Updating Zoning Ordinance Parking Standards and Loading Standards, Updating Non-Zoning Ordinance for Location for Payment of Parking Violations, Permitting Code Enforcement Officer for Parking Code, Setting Parking Infraction Violation Fines with Escalation for Multiple Offenses, and Authorizing Code Enforcement Officer to Assist with Abatements and Giving Notice for Abatement Citations, Removing Option of Occupying Recreational Vehicles on Construction Sites. Third and Final Reading. – ACTION ITEM**

City Attorney Paul Ross briefly discussed the proposed changes with those present.

After discussion, motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2022-664 once by title only for its third and final reading. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2022-664 by title only.

Motion by Joanne Justesen to adopt Ordinance No. 2022-664 once by title only authorizing the mayor’s signature. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider / Adoption of Ordinance No. 2022-665 Ordinance of the City of Heyburn, Amending Heyburn Code Title 7 Chapter 1, Providing for Seizure and Impounding of Dogs, Providing Infraction for Uncontrolled Dogs, Requiring Court Order to not Destroy Dog after Second Bite, and Providing Effective Date. First of Three Readings. – ACTION ITEM**

Those present reviewed the proposed changes to Heyburn Code Title 7 Chapter 1. City Attorney Paul Ross provided information regarding the proposed changes.

After discussion, motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2022-665 once by title only for its first of three readings. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2022-665 by title only.

**Discuss / Consider Pole Attachment Agreement with TDS Metrocom, LLC – ACTION ITEM**

City Engineer Ivan McCracken presented the Pole Attachment Agreement with TDS Metrocom, LLC who provides telecommunication services. Mr. McCracken stated the scope of the agreement addresses various terms including compensation, payment, permitting, service drops, and other related matters. Mr. McCracken stated the agreement has been redlined to include edits suggested by the City Attorney.

Councilman Tundag joined the meeting.

After discussion, motion by Joanne Justesen to approve the Pole Attachment Agreement with TDS Metrocom, LLC contingent upon approval from the City Attorney. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Abstain.

**Discuss / Consider Amendment to the Total Waste Management Contract for Sanitation Services – ACTION ITEM**

Those present reviewed the amendment to the Total Waste Management Contract for Sanitation Services that was discussed with owner Lyle Santos at a prior council meeting.

Austin Santos was in attendance as a representative of Total Waste Management, LLC to answer questions of the council.

After discussion, motion by Chad Anderson to approve the Amendment to the Total Waste Management Contract for Sanitation Services with the correction of all references to fuel be updated to diesel. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Police Sergeant Job Description – ACTION ITEM**

Police Chief Ryan Bertalotto presented a revised Police Sergeant Job Description to those present.

Motion by Chad Anderson to approve the Police Sergeant Job Description as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Mayors Time, Committee Reports, and Department Reports**

No Committee Reports.

Mayor Galbraith provided an update on the clean-up of the property located on K Street.

Department Reports for August 2022 were presented for council review.

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

Mayor Galbraith opened this time for comments from the public. No comments made.

**Motion to Adjourn – ACTION ITEM**

Mayor Galbraith asked for a motion to adjourn the meeting.

Motion by Joanne Justesen to adjourn the council meeting. Second by Chad Anderson.

Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

The council meeting adjourned at 8:13 PM.

Dick Galbraith  
Mayor

Ashlee Langley  
City Clerk/Treasurer