

City of Heyburn Council Meeting & Public Hearing
Wednesday, September 23, 2020
7:00 P.M.

Mayor: Mark Rosa.

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

Employees Present:

Paul Ross, Tony Morley, and Ashlee Langley.

Welcome & Pledge

Meeting conducted by Mayor Mark Rosa who welcomed everyone to the meeting and asked City Resident Stan Tate to lead those present in the Pledge of Allegiance.

Discuss / Consider Minutes of the September 09, 2020 City Council Meeting

– ACTION ITEM

Those present reviewed the minutes of the September 09, 2020 City Council Meeting.

Motion by Chad Anderson to approve the minutes of the September 09, 2020 City Council Meeting as presented. Second by Rose Schmitt. 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.

Motion by Dick Galbraith 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.

Public Hearing on Planning & Zoning recommendations for zoning the properties after annexation owned by Steven G and Carol Loveless and Jodylyn and Raymond Talbot, located at 418 South 400 West and 424 South 400 West, Heyburn, Idaho.

Mayor Rosa opened the public hearing on the Planning & Zoning recommendations for zoning the properties after annexation owned by Steven G and Carol Loveless and Jodylyn and Raymond Talbot, located at 418 South 400 West and 424 South 400 West, Heyburn, Idaho.

Mayor Rosa asked for those speaking in favor of the recommendations for zoning the properties owned by Steven G and Carol Loveless and Jodylyn and Raymond Talbot after annexation to step forward.

Those speaking in favor were: None.

Mayor Rosa asked for those speaking neither against nor in favor of the recommendations for zoning the properties owned by Steven G and Carol Loveless and Jodylyn and Raymond Talbot after annexation to step forward.

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

Mayor Rosa asked for those speaking against the recommendations for zoning the properties owned by Steven G and Carol Loveless and Jodylyn and Raymond Talbot after annexation to step forward.

Those speaking against were: None

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

Discuss / Consider Adopting Ordinance No. 2020-633 Ordinance of the City of Heyburn, Annexing Properties Owned by Steven G and Carol Loveless and Jodylyn and Raymond Talbot, Unincorporated Minidoka County Property Located at 418 South 400 West and 424 South 400 West, Heyburn, Idaho, to City of Heyburn; Zoning Properties as determined by Council; Amending Zoning Map. – ACTION ITEM

Those present reviewed Ordinance No. 2020-633 of the City of Heyburn, Annexing Properties Owned by Steven G and Carol Loveless and Jodylyn and Raymond Talbot, Unincorporated Minidoka County Property Located at 418 South 400 West and 424 South 400 West, Heyburn, Idaho, to City of Heyburn; Zoning Properties as determined by Council; Amending Zoning Map.

City Administrator Tony Morley explained zoning designations and what is allowable in each zoning type.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2020-633 with suspension of the rule requiring three readings and read once, by title only. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2020-633 once, by title only.

Motion by Dick Galbraith to adopt Ordinance No. 2020-633 annexing properties located at 418 South 400 West and 424 South 400 West, zoning residential high with suspension of the rule requiring three readings and adopt in one reading as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Public Hearing on Planning & Zoning recommendations for zoning the properties after annexation located in Zamora Acres Subdivision, located at 398, 394, and 390 West and 450 South, Heyburn, Idaho.

Mayor Rosa opened the public hearing on Planning & Zoning recommendations for zoning the properties after annexation located in Zamora Acres Subdivision.

Mayor Rosa asked for those speaking in favor of the Planning & Zoning recommendations for zoning the properties after annexation located in Zamora Acres Subdivision to step forward.

Those speaking in favor were: None.

Mayor Rosa asked for those speaking neither against nor in favor of the Planning & Zoning recommendations for zoning the properties after annexation located in Zamora Acres Subdivision to step forward.

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

Mayor Rosa asked for those speaking against the Planning & Zoning recommendations for zoning the properties after annexation located in Zamora Acres Subdivision to step forward.

Those speaking against were: None

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

Discuss / Consider Adopting Ordinance No. 2020-631 Ordinance of the City of Heyburn, Annexing Property Contained Within Zamora Acres Subdivision, Unincorporated Minidoka County Property Located at 398, 394, and 390 West and 450 South, Heyburn, Idaho, to City of Heyburn; Zoning Property as determined by Council; Amending Zoning Map. – ACTION ITEM

Those present reviewed Ordinance No. 2020-631 Ordinance of the City of Heyburn, Annexing Property Contained Within Zamora Acres Subdivision, Unincorporated Minidoka County Property Located at 398, 394, and 390 West and 450 South, Heyburn, Idaho, to City of Heyburn; Zoning Property as determined by Council; Amending Zoning Map.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2020-631 with suspension of the rule requiring three readings and read 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. 2020-631 once, by title only.

Motion by Joanne Justesen to adopt Ordinance No. 2020-631 annexing property contained within Zamora Acres Subdivision located at 398, 394, and 390 West and 450 South zoning residential low with suspension of the rule requiring three readings and adopt in one reading as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Public Hearing on Planning & Zoning recommendations for zoning the properties after annexation owned by Justen & Jackie Gardner, located at 455 14th Street, Heyburn, Idaho.

Mayor Rosa opened the public hearing on Planning & Zoning recommendations for zoning the properties after annexation owned by Justen & Jackie Gardner located at 455 14th Street.

Mayor Rosa asked for those speaking in favor of the recommendations for zoning the properties after annexation owned by Justen & Jackie Gardner located at 455 14th Street to step forward.

Those speaking in favor were: None.

Mayor Rosa asked for those speaking neither against nor in favor of the recommendations for zoning the properties after annexation owned by Justen & Jackie Gardner located at 455 14th Street to step forward.

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

Mayor Rosa asked for those speaking against the recommendations for zoning the properties after annexation owned by Justen & Jackie Gardner located at 455 14th Street to step forward.

Those speaking against were: None

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

Discuss / Consider Adopting Ordinance No. 2020-632 Ordinance of the City of Heyburn, Annexing Properties Owned by Justen & Jackie Gardner, Unincorporated Minidoka County Property Located at 455 14th Street, Heyburn, Idaho, to City of Heyburn; Zoning Property as determined by Council; Amending Zoning Map. – ACTION ITEM

Those present reviewed Ordinance No. 2020-632 Ordinance of the City of Heyburn, Annexing Properties Owned by Justen & Jackie Gardner, Unincorporated Minidoka County Property Located at 455 14th Street, Heyburn, Idaho, to City of Heyburn; Zoning Property as determined by Council; Amending Zoning Map.

Those present discussed the recommended zoning designation from the Planning & Zoning Commission of residential medium and whether it is the right zoning designation for the area. During the discussion it was thought that the zoning designation of residential low might best fit the area. Council decided to override the recommendation of Planning & Zoning Commission.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2020-632 with suspension of the rule requiring three readings and read 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. 2020-632 once, by title only.

Motion by Dick Galbraith to adopt Ordinance No. 2020-632 annexing the property located at 455 14th Street changing the zoning designation to residential low with suspension of the rule requiring three readings and adopt in one reading. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

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 – Third and Final Reading, by Title Only.

Those present reviewed 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.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2020-630 by title only for its third and final reading. 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. 2020-630 once, by title only.

Motion by Joanne Justesen to adopt Ordinance No. 2020-630 as presented. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Ordinance No. 2020-634 Ordinance of the City of Heyburn, Repealing Title 4 Both Chapters 2 and 3 Regarding Beer and Wine, Adopting New Title 4 Chapter 1 Regarding Applicability, Definitions, License or Permit Required; Licensed Premises; Display Mandatory, Age of Applicants, Transfers, Consumption and Open Containers in Public Places, Approval Required for Serving and/or Selling Outside Premises, Outdoor Consumption of Beer, Wine, or Liquor at Licensed Retail Establishment Prohibited, Penalty, Severability, Provisions for Beer and Wine, Application for License or Renewal; Fee, Appeals, License Revocation, Suspension, or Denial of Renewal, Hours of Sale, Churches and Schools, Provisions for Liquor-By-The-Drink, Application for License or Renewal; Fee, License Revocation, Suspension, or Denial of Renewal, Hours of Sale, Churches and Schools, Provisions for Alcohol Beverage Catering Permit, Application for Permit; Fee, Permit Revocation, Provisions for Bar Patio, Bar Patio Approval or Denial Process, Appeal, Bar Patio Requirements, Provisions for Restaurant Patio, Conditions for Approval of a Restaurant Patio, Encroachment of Restaurant Patio on City Right-Of-Way, Contents of Application, Application Approval or Denial, Appeals. – ACTION ITEM

City Attorney Paul Ross presented Ordinance No. 2020-634.

Those present reviewed the Ordinance.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2020-634 once, by title only for its first of three readings. 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. 2020-634 once, by title only for the first of three readings.

Discuss / Consider Purchase of Patrol Unit for Police Department – ACTION ITEM

Police Chief Dan Bristol presented a bid for the purchase of a new patrol unit. Chief Bristol explained the 2013 Ford F150 has engine problems and the estimated cost to repair was \$5,500. Chief Bristol stated this vehicle is no longer safe to be used as a patrol unit, but could be used by the Code Enforcement Officer.

Motion by Chad Anderson to approve the purchase of Patrol Unit for Police Department in the amount of \$48,000 from Middlekauff Ford as presented. Second by Dick Galbraith. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye.

Discuss / Consider Canceling/Rescheduling the November 11, 2020 City Council Meeting in Observance of Veterans Day and the November 25, 2020 City Council Meeting in Observance of Thanksgiving – ACTION ITEM

Those present discussed canceling the November 11, 2020 City Council Meeting and the November 25, 2020 City Council Meeting due to holiday closures.

Motion by Dick Galbraith to approve canceling the November 11, 2020 City Council Meeting and the November 25, 2020 City Council Meeting due to holiday closures and to schedule a Special Meeting for November 10, 2020. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye.

Mayors Time & Committee Reports

No Committee Reports.

Those present discussed topics for the October work meeting agenda.

Mayor Rosa stated that First Federal Bank, D.L. Evans Bank, and Dot Foods all sponsored the cities Operation Facelift project. Mayor Rosa stated he would like to recognize and thank those sponsors.

Mayor Rosa stated the city received the Water Protection Grant in the amount of \$10,000.

Mayor Rosa provided an update on Well #2 and the repair of the bridge at Riverside Park.

Those present discussed topics for the upcoming work meetings.

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

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

Comment by one city resident regarding the loss of a pet to a dog. Suggested updating dog ordinance to include injury to pets as well as humans.

Motion to Adjourn - ACTION ITEM

Mayor Rosa asked for a motion to adjourn the meeting.

Motion by Chad Anderson 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 8:11 PM.

Mark Rosa
Mayor

Ashlee Langley
City Clerk/Treasurer