

**City of Heyburn Council Meeting  
Wednesday, October 14, 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 Police Corporal Noah Shiner to lead those present in the Pledge of Allegiance.

**Discuss / Consider Approving 100% Design Submittal and Approval for Bidding for the R & 17<sup>th</sup> Street Lift Station – ACTION ITEM**

Due to unexpected circumstances the presenter was unable to attend the meeting. This item was tabled.

**Discuss / Consider the Minutes of the September 23, 2020 Council Meeting & Public Hearing and the October 06, 2020 City Council Work Meeting – ACTION ITEM**

Those present reviewed the minutes of the September 23, 2020 Council Meeting & Public Hearing and the October 06, 2020 City Council Work Meeting.

Motion by Dick Galbraith to approve the minutes of the September 23, 2020 Council Meeting & Public Hearing and the October 06, 2020 City Council Work Meeting as presented. Second by Joanne Justesen. 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 and asked questions regarding the bills from Delco Western, and Platt.

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

**Discuss / Consider Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 9 – ACTION ITEM (Tony Morley)**

City Administrator presented Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 9 in the amount of \$140,537.

Motion by Dick Galbraith to approve Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 9 in the amount of \$140,537 as presented. Second by Chad

Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Wastewater Treatment Plant Improvement Contractor’s Application for Payment No. 10 – ACTION ITEM (Tony Morley)**

City Administrator presented Wastewater Treatment Plant Improvement Contractor’s Application for Payment No. 10 in the amount of \$246,050.

Motion by Dick Galbraith to approve Wastewater Treatment Plant Improvement Contractor’s Application for Payment No. 10 in the amount of \$246,050 as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Upgrading Existing Clarifiers #1 and #2 at Wastewater Treatment Plant – ACTION ITEM**

Brad Bjerke, Project Engineer with HDR Engineer presented the option and cost associated with upgrading existing clarifiers #1 and #2 at the Wastewater Treatment Plant. Those present discussed the need for redundancy at the plant as well as funding options for the cost to upgrade the existing clarifiers.

Motion by Dick Galbraith to approve Upgrading Existing Clarifiers #1 and #2 at the Wastewater Treatment Plant as presented if funding is approved by USDA and authorize the Mayors signature on the appropriate documents. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider the Network Operating Agreement executed by the United States of America Department of Energy Acting by and the Bonneville Power Administration and City of Heyburn – ACTION ITEM**

Mayor Rosa stated General Manager Jamie Stark was not able to be in attendance tonight to provide input regarding the agreement but in his discussions with Mr. Stark additional time is needed to review the terms of the agreement prior to approval.

This item was tabled.

**Discuss / Consider Amendment executed by the United States of America Department of Energy acting by and through the Bonneville Power Administration and City of Burley, City of Heyburn, and United Electric Co-op, Inc. – ACTION ITEM**

Mayor Rosa stated he discussed this agreement with Jamie Stark and his recommendation was for the city to approve the amendment as is.

Motion by Dick Galbraith to approve the Amendment executed by the United States of America Department of Energy acting by and through the Bonneville Power Administration and City of Burley, City of Heyburn, and United Electric Co-op, Inc. as presented authorizing the Mayors signature on the document. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Idaho Transportation Department Office of Highway Safety Traffic Enforcement Grant Project Agreement – ACTION ITEM**

City Clerk Ashlee Langley presented the Idaho Transportation Department Office of Highway Safety Traffic Enforcement Grant Project Agreement to those present. Mrs. Langley stated this is the annual agreement with ITD to access grant funding through the Highway Safety Traffic Enforcement Grant for the Police Department.

Motion by Joanne Justesen to approve the Idaho Transportation Department Office of Highway Safety Traffic Enforcement Grant Project Agreement as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Discuss / Consider Resolution No. 2020-13 Resolution of The City of Heyburn Declaring Surplus Personal Property, Authorizing and Directing Disposal of Surplus Property, Providing for Related Matters – ACTION ITEM**

Mayor Rosa presented Resolution No. 2020-13 declaring the property listed as surplus.

Motion by Joanne Justesen to approve the Resolution No. 2020-13 Resolution of The City of Heyburn Declaring Surplus Personal Property, Authorizing and Directing Disposal of Surplus Property, Providing for Related Matters as presented. Second by Chad Anderson. 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. Second of Three Readings by Title Only – ACTION ITEM**

Those present reviewed Ordinance No. 2020-634 correcting scrivener's errors. Those present also discussed the process for license approvals, denials, provisions and conditions to obtain certain licenses.

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

**Discuss / Consider FY 2019-20 Audit Engagement Letter – ACTION ITEM**

City Clerk Ashlee Langley presented the 2019-20 Fiscal Year Audit Engagement Letter with Poulsen VanLeuven & Catmull PA.

Motion by Dick Galbraith to approve the FY 2019-20 Audit Engagement Letter as presented authorizing the Mayor and City Clerks signature on the document. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

**Mayors Time & Committee Reports**

Councilwoman Joanne Justesen provided those present with a brief update from the most recent Joint Powers Animal Control Facility meeting.

Mayor Rosa stated the employees have been working on Safety Training. Mayor Rosa thanked the employees for all their hard work.

Mayor Rosa also discussed the article in the Times-News discussing the City of Burley leasing the two anaerobic digesters on Highway 30 to expand the city's wastewater capacity.

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

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

Comments were made by three residents.

**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; (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 Joanne Justesen to go into executive session pursuant to Idaho Code 74-206(1)(b) and (f). Second by Rose Schmitt. 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 Mark Rosa until excused, then Council President Dick Galbraith. The topics were a matter of (b) personnel and (f) pending or potential litigation.

The Executive Session began at 8:19 PM.

No decisions were made.

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

Executive Session returned to open session at 9:26 PM.

**Motion to Adjourn - ACTION ITEM**

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

The council meeting adjourned at 9:27 PM.

Mark Rosa  
Mayor

Ashlee Langley  
City Clerk/Treasurer