

**City of Heyburn Council Meeting
Wednesday, October 23, 2019
7:00 P.M.**

Mayor: Mayor Cleo Gallegos.

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

Employees Present:

Tony Morley, and Ashlee Langley.

Absent: Paul Ross.

Welcome & Pledge

Meeting conducted by Mayor Cleo Gallegos who welcomed everyone to the meeting and asked Wastewater, Water, and Irrigation Department Manager Brian Vail to lead those present in the Pledge of Allegiance.

Discuss / Consider the Minutes of the October 09, 2019 Council Meeting – ACTION ITEM

Motion by Chad Anderson to approve the minutes of the October 09, 2019 Council Meeting as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Abstain; Rose Schmitt – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

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.

Discuss / Consider Regard to Prohibiting the Sale of Beer or Wine for On Premises Consumption, any Sale of the Same on Sunday – ACTION ITEM

Steven Sprague owner of Joe's River Bar located at 1130 Highway 30, Heyburn asked the city council to consider allowing the sale of Beer and Wine for on premises consumption on Sunday. Mr. Sprague stated that he would like to sell on Sunday to bring in more business especially during football season.

Those present discussed changing the sale of beer or wine for on premises consumption on Sunday.

Motion by Dick Galbraith to direct City Attorney Paul Ross to draft an Ordinance to allow the sale of Beer or Wine for on Premise Consumption, any sale of the same on Sunday. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Awarding the Wastewater Treatment Plant Improvements Contract to the Lowest Qualified Bidder - GSE Construction – ACTION ITEM

Those present reviewed documents from the bid opening held on October 3, 2019.

Motion by Dick Galbraith to declare GSE Construction as the lowest qualified bidder in the bid amount of \$5,742,800 and authorize the Mayor to sign all documents pertaining to such after legal counsel review. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Resolution No. 2019-7 A Resolution of the City of Heyburn, Minidoka County, Idaho, Authorizing the Issuance of a Bond Anticipation Note Pending the Issuance of a Sewer Revenue Bond; Providing a Form of the Bond Anticipation Note; Providing for the Manner of Issuance of the Note; Providing for the Payment of the Principal Thereof and the Interest Thereon; Providing Terms, Covenants, and Other Matters Relating Thereto; and Providing an Effective Date. – ACTION ITEM

City Administrator Tony Morley provided those present with an update regarding the issuance of the Sewer Revenue Bond. Mr. Morley stated the passing of the Bond Anticipation Note is the next step in keeping the process moving forward.

Motion by Dick Galbraith to approve Resolution No. 2019-7 authorizing the Issuance of a Bond Anticipation Note Pending the Issuance of a Sewer Revenue Bond; Providing a Form of the Bond Anticipation Note; Providing for the Manner of Issuance of the Note; Providing for the Payment of the Principal Thereof and the Interest Thereon; Providing Terms, Covenants, and Other Matters Relating Thereto; and Providing an Effective Date as presented and to authorize the Mayors signature on all other documents pertaining to such. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Summary of Ordinance No. 2019-617 Ordinance of the City of Heyburn, Amending Title 9 Chapter 5, Requiring Sidewalks be Unobstructed in Subdivisions; adding Title 9 Chapter 10 Providing Sidewalk Code for Property Responsibility of Sidewalks or Parking, Duty to Maintain, Providing for Construction or Repair of Sidewalks or Parking, Sidewalk Specification and Requirements, Ability of City to Require Construction or Repair, Notice, Protests, Bidding, Completion of Work, Payment Demand, Payment Plans, and Assessment of Costs; and Providing Effective Date. – ACTION ITEM

City Clerk Ashlee Langley asked the city council to consider passing the Summary of Ordinance No. 2019-617 Amending Title 9 Chapter 5, and Title 9 Chapter 10 in order to save publication costs.

Motion by Joanne Justesen to approve Summary of Ordinance No. 2019-617 Ordinance of the City of Heyburn, Amending Title 9 Chapter 5, Requiring Sidewalks be Unobstructed in Subdivisions; adding Title 9 Chapter 10 Providing Sidewalk Code for Property Responsibility of Sidewalks or Parking, Duty to Maintain, Providing for Construction or Repair of Sidewalks or Parking, Sidewalk Specification and Requirements, Ability of City to Require Construction or Repair, Notice, Protests, Bidding, Completion of Work, Payment Demand, Payment Plans, and Assessment of Costs; and Providing Effective Date as presented. Second by Dick Galbraith.

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

Discuss / Consider ArcGIS Desktop Basic Single Use Primary Maintenance Renewal – ACTION ITEM - Esri Inc.

City Administrator Tony Morley presented the ArcGIS Maintenance Renewal with Esri Inc for the cities GIS service. Mr. Morley stated the renewal amount is \$700.00 which is a \$100.00 decrease from last year.

Motion by Dick Galbraith to approve ArcGIS Desktop Basic Single Use Primary Maintenance Renewal in the amount of \$700.00 as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Ordinance No. 2019-619 An Ordinance of the City of Heyburn, Idaho, Approving the First Amendment to the Urban Renewal Plan for The Boulevard Urban Renewal Project, which Amended Boulevard Plan Seeks to Add Projects and Support Growth of an Existing Commercial Project, which Amended Boulevard Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of this Ordinance and other Required Information to Taxing Entities and County and State Officials; Providing Severability, Codification, Publication by Summary, and Establishing an Effective Date. First Reading by Title Only. – ACTION ITEM

City Administrator Tony Morley provided those present with information regarding the First Amendment to the Urban Renewal Plan. Mr. Morley stated the item is on the agenda for the first reading only. Mr. Morley informed those present that the Public Hearing is scheduled for November 13, 2019.

Motion by Chad Anderson to have City Clerk Ashlee Langley read Ordinance No. 2019-619 for the First Reading by Title Only. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Clerk Ashlee Langley read Ordinance NO. 2019-619 for the first reading by title only.

Mayors Time & Committee Reports

Mayor Cleo Gallegos took a moment to recognize longtime City Resident Fred Murphy for his generous donation of photos that he created using colored ball point pens. Mayor Gallegos stated you can look forward to seeing his artwork displayed throughout City Hall.

Mayor Gallegos stated that the Street Department Open House was a great success. Mayor Gallegos thanked all those involved with getting the project complete.

Mayor Gallegos asked for the city council to share their thoughts on doing an Open House for the remodel at the Police Station. Mayor Gallegos stated if the council desires, she will setup an Open House upon project completion.

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

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

Discuss Revisions to the Heyburn Employee Handbook

Those present discussed revisions to the Heyburn Employee Handbook.

Executive Session

Pursuant to Idaho Code 74-206(1)(a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; (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.

Motion by Dick Galbraith to go into Executive Session as per Idaho Code 74-206(1)(a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; (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. Second by Joanne Justesen. 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 (a) to consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general; (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.

No decisions were made.

The Executive Session began at 8:17 PM.

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

Executive Session returned to open session at 8:45 PM.

Discuss / Consider City Administrator Employment Agreement ACTION ITEM

This item was tabled.

Discuss / Consider City Clerk/Treasurer Employment Agreement ACTION ITEM

This item was tabled.

Motion to Adjourn - ACTION ITEM

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

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

The council meeting adjourned at 8:50 PM.

Cleo Gallegos
Mayor

Ashlee Langley
City Clerk/Treasurer