

City of Heyburn Council Meeting
Wednesday, November 08, 2023
7:00 P.M.

Mayor: Dick Galbraith.

Council Present: Chad Anderson, Cleo Gallegos, and Rose Schmitt.

Council Absent: Rick Tundag.

Employees Present:

Tony Morley, Ryan Bertalotto, Ivan McCracken, 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.

Discuss / Consider the Minutes of the October 25, 2023 City Council Meeting & Public Hearing – ACTION ITEM

Those present reviewed the minutes of the October 25, 2023 City Council Meeting & Public Hearing.

Motion by Chad Anderson to approve the minutes of the October 25, 2023 City Council Meeting & Public Hearing as presented. Second by Cleo Gallegos. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

Those present reviewed the proposed bills.

Motion by Cleo Gallegos to approve the bills as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

Discuss / Consider Estimate from MetroQuip Environment Equipment Solutions for the repair of the VAC Truck – ACTION ITEM

Those in attendance examined a proposal submitted by MetroQuip Environment Equipment Solutions for repair work on the VAC Truck. City Administrator Tony Morley emphasized the critical importance of this equipment to the city. Mr. Morley further conveyed that if the Council were to grant approval for the repair, the associated invoice would be shared among the Public Works Divisions that rely on this equipment.

Motion by Cleo Gallegos to approve the estimate from MetroQuip Environmental Equipment Solutions for the repair of the VAC Truck in the amount of \$42,048.95 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

Discuss / Consider Paving on S Street & 19th Street – ACTION ITEM

City Administrator Tony Morley presented a cost estimate for the paving project on S Street and 19th Street. Mr. Morley stated that the hot plant is scheduled to shut down for the season next week and urged Council to consider proceeding with the necessary paving this year instead of postponing it until the plant reopens next year. The scope of the project encompasses cutting, preparation, and paving.

Motion by Cleo Gallegos to approve the paving work needed on S Street and 19th Street in the estimated amount of \$5,738.10, which covers cutting, preparation, and paving, authorizing the mayor to proceed with any additional expenses, provided that these expenses are communicated via email to Council the exact additional cost amount. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

Discuss / Consider Ordinance No. 2023-680 Ordinance of the City of Heyburn, Rezoning Northern 1,103 Feet of the J&M Ag LLC and Nicholas Kraus Property Open Field North of L Street and 21st Street, Heyburn, from Commercial General to Residential High, Amending Zoning Map. – ACTION ITEM

Those present reviewed Ordinance No. 2023-680 as presented. City Attorney Paul Ross reviewed the rezoning request with those present, addressing their questions and confirming that the legal description has been included in the Ordinance, as discussed during the previous meeting. Mr. Ross stated that rezoning is necessary for a portion of the property in order for J&M Ag LLC and Nicolas Kraus Property to move forward with the development of a residential subdivision.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2023-680 once by title for its third and final reading. Second by Cleo Gallegos. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2023-680 once by title only.

Motion by Chad Anderson to adopt Ordinance No. 2023-680 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

Discuss / Consider Ordinance No. 2023-683 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, Misdemeanor for Vicious Dogs, Requiring and Defining Secure Enclosure of Dangerous and At-Risk Dogs, Permitting Court Order for Destruction of Dogs. – ACTION ITEM

Those present reviewed Ordinance No. 2023-683 as presented. City Attorney Paul Ross reviewed several changes in the ordinance, which include addressing concerns from Minidoka County, updating language, and responding to various areas of concern. Mr. Ross reviewed some

of the more significant changes including that a person may be held responsible not only for injuries or death to poultry and livestock but also for domestic animals. It removes language referencing state code, particularly regarding vicious dog regulations. This is done to align with and defend against potential future changes in state law that might affect the prosecution process. The ordinance includes penalties and civil liability provisions, including emotional distress or emotional damages, for the loss of a pet.

Motion by Cleo Gallegos to have City Attorney Paul Ross read Ordinance No. 2023-683 once by title for its first reading. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2023-683 once by title only.

Mayors Time, Committee Reports, and Department Reports

Mayor Galbraith inquired whether the council members would be able to attend a Special City Council meeting scheduled for November 15, 2023, at 4:00 PM. Those in attendance confirmed that there would be a quorum for the meeting.

The mayor announced the successful conclusion of the Blue Cross of Idaho Mayors Walking challenge stating that the city would be receiving a \$500 grant designated for enhancements to city parks.

Additionally, Mayor Galbraith mentioned that he intends to propose revisions to the spending limits for both the mayor and city staff in the upcoming personnel policy update. Mayor stated rising costs have rendered the current spending limits too restrictive.

Comments from the Public: This time is designated for members of the public to address their city elected officials. Comments related to any Public Hearing(s) and land use items should be made during the public hearing for those specific items(s). Individuals will be limited to a maximum of three (3) minutes.

Mayor Galbraith invited members of the public to share their comments by opening the floor.

No public comments made.

Executive Session

Pursuant to Idaho Code 74-206(1)(c) To acquire an interest in real property 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. – ACTION ITEM

Motion by Chad Anderson to go into executive session pursuant to Idaho Code 74-206(1)(c) and (f). Second by Cleo Gallegos. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

Executive Session Minutes

The Executive Session was conducted by Mayor Dick Galbraith. The topics were a matter of (c) interest in real property and (f) pending litigation.

The Executive Session began at 7:31 PM.

No decisions were made.

Motion by Chad Anderson to adjourn executive session. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

Executive Session returned to open session at 8:43 PM.

Motion to Adjourn – ACTION ITEM

Mayor Galbraith asked for a motion to adjourn the meeting.

Motion by Rose Schmitt to adjourn the council meeting. Second by Cleo Gallegos. Roll-Call Vote: Chad Anderson – Aye; Cleo Gallegos – Aye; Rose Schmitt – Aye.

The council meeting adjourned at 8:43 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer