

City of Heyburn Council Meeting & Public Hearing
Wednesday, November 13, 2019
7:00 P.M.

Mayor: Mayor Cleo Gallegos.

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

Employees Present:

Tony Morley, Paul Ross, and Ashlee Langley.

Welcome & Pledge

Meeting conducted by Mayor Cleo Gallegos who welcomed everyone to the meeting and asked Councilman Chad Anderson to lead those present in the Pledge of Allegiance.

Discuss / Consider the Minutes of the October 23, 2019 Council Meeting – ACTION ITEM

Motion by Joanne Justesen to approve the minutes of the October 23, 2019 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

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

Public Hearing for the First Amendment to the Urban Renewal Plan for “The Boulevard” Urban Renewal Project

Ryan Armbruster from Elam & Burke Attorneys at Law, legal counsel for the Heyburn Urban Renewal Agency, provided information regarding the First Amendment to the Urban Renewal Plan for “The Boulevard” Urban Renewal Project. Mr. Armbruster reviewed the process to date. The plan amendment was adopted by the Urban Renewal Agency on September 23, 2019 and on October 03, 2019 a copy of the plan was transmitted to all the affected taxing entities. The Planning and Zoning Commission on October 17, 2019, deemed it in compliance with the city’s Comprehensive Plan. Mr. Armbruster asked that the city council consider waiver of readings and adopt the ordinance tonight. Mr. Armbruster was not clear if there would be a tax reset or not under the new state code. Mr. Armbruster stated they think at the very worst it will be 2019 but it could be as late as 2020. The financial analysis used the 2018 values because the values are higher than the 2019 values. Mr. Armbruster went through the narrative with the city council stating the plan was changed as the agency became more aware of the type of project that was being proposed. The agency felt it was appropriate and with input from City Administrator Tony Morley there were some infrastructure improvements that needed to be included in the plan such as a frontage road, installation of traffic signals, improvement of storm drainage facilities, and improvements to the City’s main sewer treatment plant to list a few. The plan is a 20-year plan and the project boundaries have not changed from the original plan adopted by city council in December 2018.

Brent Tolman from Outwest Policy Advisors stated he provides Administrative Consulting Services to the Heyburn Urban Renewal Agency. Mr. Tolman presented details as to the project area and base values of the project. Mr. Tolman stated Phase (1) One of the project area includes the residential portion of the project and consists of 312 apartments, 42 townhouses, and 17 single family residences. Phase (2/3) two and three of the project area includes commercial, retail, and office space. Phase (4) four consists of commercial, hotels, restaurants, retail, and office spaces.

Mr. Tolman presented the below revenue allocation summary to those present.

SOURCES OF FUNDS		
	INVESTMENTS	
	SUB-TOTAL DEVELOPER CONTRIBUTIONS	\$ 17,796,067
	CITY CONTRIBUTIONS - INFRASTRUCTURE	\$ 15,822,982
	PLANNING COSTS SUB TOTAL	\$ 78,120
	TOTAL SOURCES OF FUNDS	\$ 33,697,187

USES OF FUNDS		
	INVESTMENTS	
	DEVELOPER INVESTMENTS INFRASTRUCTURE	\$ -
	Main Street	\$ 4,307,884
	Roundabout	\$ 740,560
	Lighting & Green Space	\$ 518,392
	Sewer - Sanitary	\$ 1,340,414
	Sewer - McBride Collection System	\$ 800,000
	Sewer - Storm	\$ 688,721
	Water	\$ 1,145,646
	Bridge - MID Canal	\$ 518,392
	Labor & Installation	\$ 1,681,462
	Site Work	\$ 1,300,000
	Demolition	\$ 275,000
	General A&E, mobilization, testing, staking	\$ 807,734
	City Application Fees, Report & other agency fees, Feasibility report, Market Report	\$ 49,800
	Fees, Permits, construction interest, Origination fees, setup fees	\$ 2,597,670
	Developer contingency	\$ 1,024,392
	Sewer Plant upgrade	\$ 1,700,000
	Sewer Collection System & R Street lift station upgrade	\$ 1,110,000
	Frontage Road/Traffic Controls	\$ 10,410,387
	Frontage Road/Traffic Controls Contingency	\$ 2,602,596
	TOTAL INFRASTRUCTURE INVESTMENTS	\$ 33,619,049
	OPERATING & PLANNING COSTS	\$ 890,590
	TOTAL USES OF FUNDS	\$ 34,509,639

TOTAL REVENUE ALLOCATION FUNDS	\$ 36,186,242
USE OF FUNDS	

TOTAL INFRASTRUCTURE INVESTMENTS	\$ 33,619,049
OPERATING & PLANNING COSTS	\$ 890,590
TOTAL USES OF FUNDS	\$ 34,509,639
BALANCE REVENUE ALLOCATION FUNDS	\$ 1,676,603

Those present thanked Mr. Tolman and Mr. Armbruster for the information.

Mayor Cleo Gallegos opened the public hearing.

Mayor Gallegos asked for those speaking in favor of the First Amendment to the Urban Renewal Plan for “The Boulevard” Urban Renewal Project to step forward.

Those speaking in favor were: None.

Mayor Gallegos asked for those speaking against the First Amendment to the Urban Renewal Plan for “The Boulevard” Urban Renewal Project to step forward.

Those speaking against were: None.

Mayor Gallegos asked for those speaking neither against nor in favor of the First Amendment to the Urban Renewal Plan for “The Boulevard” Urban Renewal Project to step forward.

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

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

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. With the Suspension of the Rule Requiring Three Readings and Adopt on the Second Reading by Title Only. – ACTION ITEM

Those present reviewed Ordinance No. 2019-619 for the First Amendment to the Urban Renewal Plan for “The Boulevard” Urban Renewal Project.

Motion by Dick Galbraith to have City Attorney Paul Ross read Ordinance No. 2019-619 Approving the First Amendment to the Urban Renewal Plan for “The Boulevard” Urban Renewal Project, 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. 2019-619 for the second reading by title only.

Motion by Dick Galbraith to suspend the rule requiring three readings. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Motion by Dick Galbraith to adopt Ordinance No. 2019-619 as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Purchase of All-Terrain Vehicle with Attachments for Wastewater Treatment Department – ACTION ITEM

Wastewater Department Manager Brian Vail provided those present with bids from Let's Ride, and Action Cycles N' Sleds for an All-Terrain Vehicle to be used at the Wastewater Treatment Plant. Mr. Vail stated that the Treatment Plant Department is in the process of cleaning out the Oxidation Ditches and there is a large amount of sand at the bottom that they are needing to remove. Mr. Vail stated that they would get a lot of use out of having an ATV available to do various jobs throughout the city.

Motion by Dick Galbraith to approve the purchase of a King Quad 500 All-Terrain Vehicle with Attachments from Let's Ride in the amount of \$7,181.19 for the Wastewater Department. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Ordinance No. 2019-620 Regard to Allowing the Sale of Beer or Wine for On Premises Consumption, and Sale of the Same on Sunday. With the Suspension of the Rule Requiring Three Readings and Adopt in One Reading by Title Only. – ACTION ITEM

City Attorney Paul Ross presented Ordinance No. 2019-620 to those present. Mr. Ross stated Steven Sprague owner of Joe's River Bar asked the city council to consider changing the ordinance to allow the sale of beer or wine for on premises consumption on Sunday at the last council meeting. Mr. Ross stated this ordinance would allow for such as requested by the Council. Sale times are updated to match Idaho's policies.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2019-620 Ordinance of the City of Heyburn allowing the sale of beer or wine for on premises consumption, and sale of the same on Sunday, with the suspension of the rule requiring three readings and read one time, 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. 2019-620 for the first and only reading by title only.

Motion by Dick Galbraith to adopt Ordinance No. 2019-620 with the suspension of the rule requiring three readings and adopt in one reading by title only as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Accepting the Minidoka County Commissioner's Canvass of Votes – ACTION ITEM

City Administrator Tony Morley asked the city council to table this item to the next city council meeting agenda.

This item was tabled.

Discuss / Consider Cancelling the November 27, 2019 Council Meeting and the December 25, 2019 City Council Meeting – ACTION ITEM

Mayor Cleo Gallegos asked the city council to consider cancelling the November 27, 2019 Council Meeting and the December 25, 2019 City Council Meeting due to the upcoming Holidays.

Motion by Joanne Justesen to cancelling the November 27, 2019 Council Meeting and the December 25, 2019 City Council Meeting with the condition that the council would be open to a Special Council Meeting if necessary. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Mayors Time & Committee Reports

Mayor Gallegos stated a check ceremony was held on November 12, 2019 to present \$75,000 to Gossner Foods who participated in the City of Heyburn's Idaho Energy Authority (IDEA) Energy Efficiency program to update their refrigerator condenser.

Mayor Gallegos stated the Pre-Construction meeting was held on November 12, 2019 for the Wastewater Treatment Plant Improvements. Mayor Gallegos stated she signed the Agreement between Owner and Contractor for the Construction Contract.

Mayor Gallegos stated she also attended another Comprehensive Plan meeting today. The Mayor stated the city is moving in a fun new direction.

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

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

Discuss / Consider Adopting the 2019 Updated Version of the Heyburn Employee Handbook – ACTION ITEM

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), (b), (c), and (f). 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 8:20 PM.

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

Executive Session returned to open session at 9:12 PM.

Discuss / Consider Possible Offer to Purchase Property - ACTION ITEM

Motion by Dick Galbraith to direct City Administrator Tony Morley to make an offer in the amount of \$115,000 on the possible property purchase as discussed. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider City Administrator Employment Agreement ACTION ITEM

City Attorney Paul Ross stated City Administrator Tony Morley has been with the city for a little over two years and City Clerk/Treasurer Ashlee Langley has been with the city for over ten years. Mr. Ross stated prior to Mr. Morley accepting the position with the city there were negotiations as to his employment terms that were never formally settled in writing. Mr. Ross stated the agreements have been discussed in length and negotiations over the years between the employees and the city. Mr. Ross stated the city council has the final proposed agreements before them for consideration tonight.

Motion by Dick Galbraith to approve the City Administrator Employment Agreement with the removal of the short term and long-term disability listed in Sections 4 and 9. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider City Clerk/Treasurer Employment Agreement ACTION ITEM

Motion by Joanne Justesen to approve the City Clerk/Treasurer Employment Agreement with the removal of the short term and long-term disability listed in Sections 4 and 9 and to correct all gender references. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Dick Galbraith – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Motion to Adjourn - ACTION ITEM

Mayor Cleo Gallegos 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 9:20 PM.

Cleo Gallegos
Mayor

Ashlee Langley
City Clerk/Treasurer