

City of Heyburn Council Meeting
Wednesday, December 09, 2020
7:00 P.M.

Mayor: Dick Galbraith

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

Employees Present:

Paul Ross, Tony Morley, Noah Shiner, and Ashlee Langley.

Welcome & Pledge

Meeting conducted by Mayor Dick Galbraith who welcomed everyone to the meeting and lead those present in the Pledge of Allegiance.

Mayor Galbraith asked the council to consider accepting the amended agenda as required due to the timing in which the amended agenda was posted.

Motion by Joanne Justesen to accept the amended agenda as presented. Second by Rose Schmitt.
Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye.

Discuss / Consider the Minutes of the November 10, 2020 Special Council Meeting and the December 1, 2020 City Council Work Meeting - ACTION ITEM

Those present reviewed the minutes of the November 10, 2020 Special Council Meeting and the December 1, 2020 City Council Work Meeting.

Motion by Joanne Justesen to approve the minutes of the November 10, 2020 Special Council Meeting and the December 1, 2020 City Council Work Meeting as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye.

Discuss / Consider Paying the Bills – ACTION ITEM

Those present reviewed the bills. Questions were asked regarding the bills from Mitch's Repair Inc., and Western States Automation.

After discussion, motion by Rose Schmitt to approve the bills as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 12 – ACTION ITEM (Tony Morley)

City Administrator Tony Morley presented Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 12 to those present.

After review, motion by Chad Anderson to approve Wastewater Treatment Plant Improvement Contractor's Application for Payment No. 12 in the amount of \$642,644 as presented. Second

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

Discuss / Consider Wastewater Treatment Plant Improvement Change Order #6

– ACTION ITEM

Mike Soucie and Brad Bjerke explained the reasons for Change Order #6. Those changes consisted of the following:

- Relocation of the dewatering building and pressure pump station.
- Addition of a drain from the vac truck clean-out to avoid potential violations due to overflows.
- The addition of valves to the new screw press.
- Increased press height for final coordination of press and conveyor.
- Simplifying sump pump layout and controls (resulted in a credit).
- Sludge vault location near existing digester tanks had both piping and electrical interferences requiring the vault to be located adjacent to the new Dewatering Building. This change required the addition of valves and flush connections.
- City requested extra conduits for future controls and security wiring, required conduit and increased size of pull box.
- Revisions to the power to facilitate power to existing storage building and separate from new power to the plant as requested by United Electric.
- Gabled ends of building. Changed from wood to concrete masonry units to improve function, structure issues, and appearance.

Brad Bjerke stated the final change order amount is \$79,705.

After discussion, motion by Joanne Justesen to approve Wastewater Treatment Plant Improvement Change Order #6 in the amount of \$79,705 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Asphalt at Wastewater Treatment Plant – ACTION ITEM

This item was tabled.

Discuss / Consider FY 2019-20 Annual Audit – ACTION ITEM

Jeff Poulsen presented the Fiscal Year 2019-20 Annual Audit to those present. Mr. Poulsen stated because the city expended over \$750,000 dollars in federal money this year due to the upgrades at the Wastewater Treatment Plant there was a single audit requirement. Mr. Poulsen stated the single audit has been completed in addition to the annual audit. Mr. Poulsen highlighted the almost \$4,000,000 in grant money that was secured for the Wastewater Treatment Plant upgrades.

Motion by Chad Anderson to approve the FY 2019-20 Annual Audit and Single Audit as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Appoint Council Member – ACTION ITEM

City Attorney Paul Ross stated the appointment of Councilman Dick Galbraith to the Mayors seat resulted in a vacancy in a council seat. Mr. Ross reviewed the procedures to fulfill a vacancy in an elective office with those present. Mr. Ross stated an appointment to an elective office can not be discussed in an executive session therefore all the dialogue will need to be discussed in open meeting. Mr. Ross stated the appointment of council member shall be appointed by the Mayor and affirmed by the majority of the council in order for the vacancy to be fulfilled. Mr. Ross stated the appointed council member will serve the remainder of the term for that initial council seat.

Mayor Galbraith stated there were several individuals interested in the position and he interviewed all of them. Mayor Galbraith stated he would like to appoint Rick Tundag as council member to fulfill the vacancy on the council. Mayor stated Mr. Tundag was unable to be in attendance tonight due to COVID-19 restrictions. Mayor asked the city council to affirm his appointment.

After discussion, this item was tabled.

Discuss / Consider Riverfront Park Shoreline Master Plan Proposal Alternate – ACTION ITEM

David Waldron presented options to those present to develop the roughly 18 ½ acres of land located by the river off the already established Riverside Park. Mr. Waldron stated he was asked to put together a proposal to not only develop the land but to relocate a portion of the existing walking path off Roy Belnap's property where is currently sitting. Mr. Waldron stated the plan includes closing the access road to the park from Belnap's property and gaining access on the South end of the park. Those present reviewed options for a parking lot with a 20-30 vehicle capacity with lighting and security cameras, restroom facilities, trees and shrubs, addition of small and large pavilions, picnic tables, BBQ stands, garbage receptacles, decorative lights, and connecting to the nearby irrigation pump station to water the park. Mr. Waldron stated the action for tonight would be to authorize the Mayor to sign an application to apply for grant funding to proceed with the project.

Motion by Joanne Justesen to approve the Riverfront Park Shoreline Grant Proposal and authorize the Mayors signature on the grant application as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider D-16 Drain Alteration & 434 Spill Pipeline (Roy Belnap) – ACTION ITEM

Roy Belnap asked the council to consider an alteration on the D-16 Drain & 434 Spill Pipeline. Mr. Belnap showed those present his proposal to build a structure that would catch and transport spill water from the 434 spill pipeline and D-16 Drain through a new spill gate. Mr. Belnap stated they would build catch basins for submersible pumps to supply irrigation water to the Blue River Subdivision. Mr. Belnap explained this structure would not only improve the D-16 Drain but allow the public to walk safely along Villa Drive rather than having to walk on the road.

Motion by Joanne Justesen to approve the D-16 Drain Alteration & 434 Spill Pipeline as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

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

Mayor Galbraith stated he spoke with Jamie Stark, General Manager at United Electric, and the cities Operating & Maintenance provider regarding the Network Operating Agreement. Mayor stated Mr. Stark did not indicate he had any concerns with the agreement.

Motion by Joanne Justesen to approve the Network Operating Agreement Executed by the United States of America Department of Energy Acting by and through the Bonneville Power Administration and City of Heyburn authorizing the Mayors signature as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Adopting Amended 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 Residential High; Amending Zoning Map. – ACTION ITEM

City Attorney Paul Ross presented Amended Ordinance No. 2020-633. Mr. Ross stated the Idaho State Tax Commission indicated there was an issue with the legal description for the Loveless property and the maps provided for both the Loveless and Talbot properties were insufficient. Mr. Ross stated the Amended Ordinance is being provided to resolve these issues.

Motion by Chad Anderson to have City Attorney Paul Ross read Amended Ordinance No. 2020-633 once by title only. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

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

Motion by Chad Anderson to adopt Amended Ordinance No. 2020-633 waiving the rule requiring three readings and adopt in one reading. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Adopting Ordinance No. 2020-637 Ordinance of the City of Heyburn, Annexing Property Owned by Michael & Kimberly Ball, Unincorporated Minidoka County Property Located at 506 South River Drive, Heyburn, Idaho, to City of Heyburn; Zoning Property as Residential Low; Amending Zoning Map – ACTION ITEM

City Attorney Paul Ross stated this Ordinance is on the agenda tonight for the second of three readings.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2020-637 once by title only for its second of three readings. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2020-637 once by title only.

Discuss / Consider Adopting Ordinance No. 2020-638 Ordinance of the City of Heyburn, Repealing and Adopting New Title 2 Chapter 1 Regarding Adoption of International and State Codes, Providing for Code Adoption and Appointed Official, Permit Fees, Exemptions, Severability, Copies Available, Adopting International Building Code, International Residential Code, International Energy Conservation Code, International Existing Building Code, International Fuel Gas Code, International Mechanical Code, Idaho Fire Code, Abatement of Dangerous Buildings Code, Idaho Plumbing Code, International Property Maintenance Code, and National Electrical Code, Providing for Purpose, Adoption, and Amendments of Each Code – ACTION ITEM

City Attorney Paul Ross stated Ordinance No. 2020-638 is for the adoption of the latest set of International and State Codes. Mr. Ross stated the Ordinance needs to be adopted before January 2021.

Motion by Chad Anderson to have City Attorney Paul Ross read Ordinance No. 2020-638 once by title only. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2020-638 once by title only.

Motion by Joanne Justesen to adopt Ordinance No. 2020-638 with suspension of the rule requiring three readings and adopt in one reading as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Ordinance No. 2020-639 Ordinance of the City of Heyburn, Amending 6-2-3 Increasing Allowed Gross Vehicle Weight to 10,000 Pounds for Parking, Prohibiting Parking Vehicles Exceeding 10,000 Pounds Anywhere in City on Public Roads or Easements, Prohibiting Parking Offensive or Noxious Smelling Materials within City – ACTION ITEM

Those present reviewed prior discussions regarding the parking Ordinance. Mr. Ross reviewed the changes made to the Ordinance stating the increase for vehicle weight has been set to 10,000 pounds and now prohibits parking vehicles more than 10,000 pounds anywhere on public roads or easements. Mr. Ross stated it also prohibits parking vehicles or trailers containing offensive or noxious smelling materials.

Motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2020-639. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

City Attorney Paul Ross read Ordinance No. 2020-639.

Motion by Joanne Justesen to have adopt Ordinance No. 2020-639 waiving the rule requiring three readings and adopt in one reading. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Resolution 2020-18 Resolution of City of Heyburn, Authorizing the Mayor to Support and Cooperate with Eminent Technical Solutions, LLC, to Submit an Application to the United States Department of Agriculture for the Community Connect Grant to Finance Improvements to Enhance Broadband Systems in the Community – ACTION ITEM

Jacob Johnson and Curtis Bennett asked the cities support to submit a grant application to the United States Department of Agriculture for a Community Connect Grant to enhance broadband systems in the community. Mr. Johnson stated they are seeking the resolution for the support of the grant application, help in identifying underserved areas, help in identifying and to procuring land and a building for a community center. Mr. Johnson stated the grant would cover the cost of the infrastructure of the community center and ETS is willing to pledge up to \$150,000 which is the grant match to apply for up to \$3,000,000 in grant funding. Mr. Johnson stated they are on a very tight deadline to get the application in but feel it would be a great opportunity for the community.

After discussion, motion by Chad Anderson to approve Resolution No. 2020-18 authorizing the Mayor to support and cooperate with Eminent Technical Solutions, LLC, to submit an application to the United States Department of Agriculture for the Community Connect Grant as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Bids for Purchase of GPS Arrow EOS – ACTION ITEM

City Administrator provided those present with additional information for the purchase of a GPS Arrow EOS for mapping the city. Ivan McCracken provided those present with an overview of how the GPS Arrow EOS systems work and what the different options entail.

After discussion, motion by Joanne Justesen to approve the bid for purchase of a GPS Arrow EOS 200 in the amount of \$6,995 as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider the Commercial Garbage Hauling Licenses for 2021 – ACTION ITEM

- a) **PSI Environmental**
- b) **Total Waste Management LLC**
- c) **Western Waste Services, Inc.**

City Clerk Ashlee Langley stated she received Commercial Garbage Hauling Applications as well as the required fee from PSI Environmental, Total Waste Management LLC, and Western Waste Services. Mrs. Langley stated they have all met the requirements to obtain their 2021 licenses.

Motion by Chad Anderson to approve the Commercial Garbage Hauling Licenses for 2021 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider the Salvage Yard License for 2021 – United Metals, LLC – ACTION ITEM

City Clerk Ashlee Langley stated United Metals, LLC has paid the renewal fee for their Salvage Yard License and recommended council approval.

Motion by Joanne Justesen to approve the Salvage Yard License for 2021 – United Metals, LLC as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Authorizing Negotiations of Contract for Riverton Substation Upgrade – ACTION ITEM

City Administrator Tony Morley stated the scoring committee consisted of five (5) members, Jim Bowers, Trever Parke, Clint Evans, Chad Surrage, and himself. Mr. Morley presented the scoring results for the Statement of Qualifications submitted for the upgrade of the Riverton Substation.

The results are as follows.

<u>Firm</u>	<u>Total Score</u>
BKI Engineering Services	659
HDR Engineering	609
Bodec Electric/Bruno Engineering	541
Morrison/Maierle	506

Mr. Morley stated BKI Engineering scored the highest with a total of 659.

Motion by Joanne Justesen to authorize City Administrator Tony Morley to start contract negotiations with BKI Engineering Services for the Riverton Substation upgrade. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Bid for Gate for Street Department – ACTION ITEM

This item was tabled.

Discuss / Consider Purchase and Sale Agreement with Minidoka County Fire Protection District for a portion of the property located at 1120 21st Street – ACTION ITEM

City Attorney Paul Ross presented the Purchase and Sale Agreement with Minidoka County Fire Protection District to those present. Mr. Ross stated this agreement is for a portion of property located at 1120 21st Street. Mr. Ross stated this is being acquired for the extension of 21st Street.

Motion by Chad Anderson to approve the Purchase and Sale Agreement with Minidoka County Fire Protection District for a portion of the property located at 1120 21st Street as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider Purchase and Sale Agreement with Eugene Hruza and Shirley Mae Hruza for a portion of the property located along 21st Street – ACTION ITEM

City Attorney Paul Ross presented the Purchase and Sale Agreement with Eugene Hruza and Shirley Mae Hruza for a portion of the property located along 21st Street in front of the Storage Units. Mr. Ross stated the Hruza's have already agreed to the purchase amount and signed the agreement.

Motion by Joanne Justesen to approve the Purchase and Sale Agreement with Eugene Hruza and Shirley Mae Hruza for a portion of the property along 21st Street as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Discuss / Consider 4th Quarter Treasurers Financial Report for Fiscal Year 2019-20 – ACTION ITEM

City Clerk Ashlee Langley presented the 4th Quarter Treasurer Financial Report for Fiscal Year 2019-20.

Motion by Joanne Justesen to approve the 4th Quarter Treasurers Financial for Fiscal Year 2019-20 as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye.

Mayors Time & Committee Reports

Council President Joanne Justesen provided a brief updated on the Joint Animal Control Facility.

Mayor Galbraith congratulated and recognized the Police Department for qualifying for the lowest discount through the ICRMP Discount program by completing the required assessment.

Council President Joanne Justesen presented a Certificate of Appointment to Mayor Dick Galbraith for his appointment as Mayor. Traditionally this certificate is handed out at the meeting in which the elected official is sworn into office but due to the circumstances the certificate was not available at the time of the appointment and swearing in. Those present congratulated Mayor Dick Galbraith on the Mayor position.

Mayor Galbraith congratulated and recognized Deputy City Clerk Debra Encinas for earning a place on the 2020 Municipal Clerks Honor Roll hosted by General Code.

Mayor Galbraith asked the council if they would like to see Department Head Monthly Reports on future council agendas for discussion. Those present briefly discussed the reports.

Due to the Governor's Order, we will not be allowing comments from the public at this time.

Due to the Governor's Order Mayor Galbraith did not allow for public comment. Those present discussed bringing this item back on the agenda as soon as the restrictions lift.

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 - ACTION ITEM

Motion by Joanne Justesen to go into executive session pursuant to Idaho Code 74-206(1)(a).

Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen - Aye; Rose Schmitt – Aye.

Executive Session Minutes

The Executive Session was conducted by Mayor Dick Galbraith. The topic was a matter of (a) personnel.

The Executive Session began at 10:17 PM.

No decisions were made.

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

Executive Session returned to open session at 10:38 PM.

Motion to Adjourn - ACTION ITEM

Mayor Galbraith asked for a motion to adjourn the meeting.

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

The council meeting adjourned at 10:39 PM.

Dick Galbraith
Mayor

Ashlee Langley
City Clerk/Treasurer