

**City of Heyburn Council Meeting**  
**Wednesday, December 14, 2022**  
**7:00 P.M.**

**Mayor:** Dick Galbraith.

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

**Employees Present:**

Tony Morley, Ivan McCracken, Ryan Bertalotto, 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 November 30, 2022 Council Meeting & Public Hearing and the December 06, 2022 City Council Work Meeting - ACTION ITEM**

Those present reviewed the minutes as presented. Councilwoman Justesen for an amendment to the December 06, 2022 City Council Work Meeting minutes to include street changes would be brought back to Council.

After discussion, motion by Joanne Justesen to approve the minutes of the November 30, 2022 Council Meeting & Public Hearing and the December 06, 2022 City Council Work Meeting with the aforementioned changes. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Paying the Bills – ACTION ITEM**

Those present reviewed the bills as presented.

After review, there was a motion by Rose Schmitt to approve the bills as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Aerations Bids for Wastewater Treatment Plant – ACTION ITEM**

City Engineer Ivan McCracken stated that additional aeration in the oxidation ditches is needed at the City's Wastewater Treatment Plant to handle the anticipated waste loading during the warmer months when biological and chemical oxygen demands are at their highest. HDR Engineering prepared a bid package for aeration equipment procurement which was sent to three (3) firms; only two (2) responded with a bid and the third firm responded by declining to bid.

The apparent low bidder is Sanitaire, a Xylem company, with a bid of \$55,248.

Mart Produce will pay ½ the cost of upgrades needed to accommodate the flows. Their estimated portion of this cost is \$27,624. The remaining \$27,624 will be covered by the city. The

City is expecting about \$15,000 in reimbursement funds from the Gem Grant (that were covered under last year's budget).

After discussion, there was a motion by Joanne Justesen to award the bid to the apparent low bidder Sanitaire for the bid amount of \$55,248 for Aerations for the Wastewater Treatment Plant. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Net Metering Program – ACTION ITEM**

City Engineer Ivan McCracken presented information for a Net Metering Program. Mr. McCracken stated the city decided to explore the option of providing a net metering program in response to current and future demand from residents who want to install roof-top solar generation systems at their homes. Mr. McCracken stated the city's existing residential electrical meters are capable of tracking power into (delivery) the residence and power coming from (export) the residence.

Mr. McCracken explained solar installations would be required to follow standards established in the National Electric Code, the National Electric Safety Code, and our electrical service O&M provider United Electric is willing to inspect new installations for compliance. Mr. McCracken stated the proposed net metering policy is set for meters to be reset on a monthly basis instead of annually in order to coordinate with the city's billing software.

After discussion, there was a motion by Chad Anderson to approve the Net Metering Program as presented. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Development Agreement with RAD Ventures, LLC for the Development of Camp Crossing Residential Plat Phase 1 – ACTION ITEM**

City Administrator Tony Morley presented the Development Agreement with RAD Ventures, LLC for the Development of Camp Crossing Residential Plat Phase 1 located east of H street between 10<sup>th</sup> and 14<sup>th</sup> Streets. Mr. Morley stated that the residential plat consists of the construction of duplexes and 4-plexes.

After review, there was a motion by Joanne Justesen to approve the Development Agreement with RAD Ventures, LLC for the Development of Camp Crossing Residential Plat Phase 1 as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider / Adoption of Ordinance No. 2022-665 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, Requiring Court Order to not Destroy Dog after Second Bite, and Providing Effective Date. Second of Three Readings. – ACTION ITEM**

City Attorney Paul Ross asked the city council to table this item.

Item was tabled.

**Discuss / Consider Adopting Ordinance No. 2022-668 Ordinance of the City of Heyburn, Annexing Properties Owned by Rex Higley and Eric Higley, unincorporated Minidoka County Property located at 295 South 600 West and 604 West 300 South, Heyburn, Idaho, to City of Heyburn, renaming 600 West Road within City Limits that is not Highway 27 to Nevada Street, renaming 300 South Road within City Limits to 35<sup>th</sup> Street, renaming Power Street to 35<sup>th</sup> Street, renaming Commercial Street to 33<sup>rd</sup> Street, renaming Industrial Street to 32<sup>nd</sup> Street, renumbering Parcels on 600 West and 300 South found within City; Confirming name of Teesa Avenue, renaming 22<sup>nd</sup> Street within McBride II Subdivision as Roger Avenue, Zoning Higley Properties as Commercial General; Amending Zoning Map. Second of Three Readings – ACTION ITEM**

City Attorney Paul Ross reviewed Ordinance No. 2022-668 with those present.

After review, there was a motion by Joanne Justesen to have City Attorney Paul Ross read Ordinance No. 2022-668 once by title only as presented. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

City Attorney Paul Ross read Ordinance No. 2022-668 by title only.

Motion by Joanne Justesen to suspend the rule requiring three readings and adopt Ordinance No. 2022-668 on its second reading authorizing the mayor's signature. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Pole Attachment Agreement with TDS Metrocom, LLC – ACTION ITEM**

City Administrator Tony Morley stated that the city has been working on this agreement for several months. Mr. Morley stated this Pole Attachment Agreement is with Metrocom LLC, a Delaware limited liability company that would like to attach to the city's existing poles to provide telecommunication services. Mr. Morley stated this is a three-year contract.

After discussion, there was a motion by Joanne Justesen to approve the Pole Attachment Agreement with TDS Metrocom, LLC as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider the Commercial Garbage Hauling Licenses for 2023 – ACTION ITEM**

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

After review, there was a motion by Chad Anderson to approve the Commercial Garbage Hauling Licenses for 2023 for PSI Environmental, Total Waste Management LLC, and Western Waste Services, Inc. as presented. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider the Salvage Yard License for 2023 – United Metals, LLC  
– ACTION ITEM**

After review, there was a motion by Chad Anderson to approve the 2023 Salvage Yard License for United Metals, LLC as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Adopting Resolution No. 2022-7 Resolution of the City of Heyburn Providing for and Authorizing the Destruction of Certain Semipermanent and Temporary Records – ACTION ITEM**

City Attorney Paul Ross stated that the Resolution for the destruction of records includes records from both the Municipal Services Department as well as the Police Department.

After discussion, there was a motion by Joanne Justesen to adopt Resolution No. 2022-4 correcting the retention schedule reference to 2021-12. Second by Chad Anderson. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Adopting Resolution No. 2022-8 Resolution of the City of Heyburn, Consolidating and Adopting a Schedule of Revised Rates and Fees for Services Provided and Regularly Charged as Specified by City Code; Including Community Development, Electrical, Engineering, Municipal Services, Parks and Recreation, Police, Sanitation, Street, Wastewater, Water Departments; Providing an Effective Date. – ACTION ITEM**

City Attorney Paul Ross stated that a public hearing will need to be held before the city council could consider adoption of Resolution No. 2022-8 as some of the proposed rate changes are new rates or rate increases over the 5%.

This item was tabled to allow for the public hearing.

**Discuss / Consider Idaho Policing Policy Manual Addendum #2 adding a Ride-along Policy – ACTION ITEM**

Police Chief Ryan Bertalotto presented Addendum #2 to the Idaho Policing Policy Manual for the addition of a Ride-Along Policy. Chief Bertalotto stated the proposed policy has been vetted by the city's insurance provider and no concerns were raised. Chief Bertalotto stated the Ride-Along Program provides an opportunity for citizens to experience the law enforcement function firsthand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program. The program would be offered to residents, students, and those employed within the city. The participant will be required to complete a ride-along waiver form. Information requested will include a valid ID or driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

Councilman Tundag suggested language be added to the policy that would prohibit a participant from bringing or carrying a weapon of any kind during their ride-along.

After discussion, there was a motion by Joanne Justesen to approve the Idaho Policing Policy Manual Addendum #2 adding a Ride-along Policy with the addition of language for a no

weapons clause for participants. Second by Rose Schmitt. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Waiving Penalties for Commercial and Industrial Accounts for December Billing Cycle – ACTION ITEM**

Mayor Galbraith stated due to holiday delays at the Post Office the Commercial and Industrial bills were received late by customers. Mayor Galbraith asked the council to consider delaying or waiving penalties for the December 2022 Billing Cycle.

After discussion, motion by Rick Tundag to waive penalties for Commercial and Industrial Accounts for the December 2022 Billing Cycle and to allow for the discretion of the Municipal Services Director to waive such penalties in the future if needed. Second by Joanne Justesen. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Discuss / Consider Rock Hauling Contract for Riverbank Stabilization – ACTION ITEM**

City Engineering Ivan McCracken stated that the city needs to acquire rock suitable for Riverfront Park’s Riverbank Stabilization Project. Mr. McCracken stated city staff has located a source for the rock about 22 miles north of the city, and so has requested quotes to haul the rock to staging areas at Riverside Park. The city requested 4 quotes, 1 party was not responsive, 2 supplied responsive quotes, 1 quote was deemed inadequate. Mr. McCracken stated the apparent low bid was received from Kloefer Inc, in the amount of \$54,600. Mr. McCracken stated the city expects that this cost will be paid for by reimbursement funds from the DEQ 319 grant the City was awarded.

After discussion, there was a motion by Chad Anderson to approve the Rock Hauling Contract with Kloefer Inc. for the bid amount of \$54,600 for Riverbank Stabilization Project as presented. Second by Rick Tundag. Roll-Call Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

**Mayors Time & Committee Reports**

No Committee Reports.

Mayor Galbraith stated city staff are still moving forward with renovations at the Police Station. Mayor stated the Police Evidence Lockers are expected to be delivered soon.

Mayor Galbraith announced that City Clerk/Treasurer Ashlee Langley was nominated as employee of the year.

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

Mayor Galbraith opened this time for comments from the public.

Comment made by one resident concerning Animal Control.

**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 Chad Anderson.  
Vote: Chad Anderson – Aye; Joanne Justesen – Aye; Rose Schmitt – Aye; Rick Tundag – Aye.

The council meeting adjourned at 8:26 PM.

Dick Galbraith  
Mayor

Ashlee Langley  
City Clerk/Treasurer