

**SPECIAL AND REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
February 6, 2018**

COMMENCE MEETING

Council met in special session at 6:15 p.m. with Mayor Ormond presiding. Council members present were Randy Hawkins, John Craner, Casey Andersen, Jon Anderson, Russell Mallory and Bryce Morgan.

EXECUTIVE SESSION

A motion was made by Council member Morgan and seconded by Council member Craner to go into executive session to discuss with legal counsel option on pending or eminent litigation matter and to consider exempt records pursuant to Idaho Code Section 74-206 (1)(d)and(f).

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

A discussion was held on all matters.

Executive session adjourned at 6:59 p.m.

Council reconvened at 7:02 p.m.

Council met in regular session at 7:02 p.m. with Mayor Ormond presiding. Council members present were Randy Hawkins, John Craner, Casey Andersen, Russell Mallory, Bryce Morgan and Jon Anderson.

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Attorney Dave Shirley, Sexton Dave Allred, Waste Water Treatment Director Dee Hodge, Golf Pro Scott Draper, Engineer Bryan Reiter, Fire Chief Shannon Tolman, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn, Librarian Julie Woodford, Shop Foreman Rick Garner and Lt. Jason Rogers were also in attendance.

INVOCATION

The Invocation was offered by Council member Jon Anderson followed by the Pledge to the Flag.

CONSENT CALENDAR

1. Items on the Consent Calendar are considered to be routine and enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a member of the Council. Any request shall be made after the Consent Calendar is read and before action is taken.
 - a. **APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS**
 - b. **BILLS PAYABLE \$1,298,185.58.**
 - c. **PAYROLL ENDING 1/19/18 FOR \$191,336.43.**

Information Items

BUILDING PERMITS:

Miguel Farfan	801 Burton Ave	Remodel	\$ 40,000.00
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A motion was made by Council member Craner and seconded by Council member Hawkins to accept the Consent Calendar as written.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

US HWY 30 PROJECT UPDATE

Project Manager Nathan Jerke from the Idaho Transportation Department presented the Council with a project overview and drawings of the U.S. 30 project. The project is 400 West to Parke Avenue. He said the final design is near completion and they will select a contractor in the fall of this year and construction is expected to start in the spring of 2019. He said it will include two through lanes in each direction, left turn bays at public roadways, widened shoulders, reconstruction of affected irrigation structures, reconstruction of business and private access locations, traffic signal at Washington Street and Bedke Boulevard intersection, additional roadway lighting at identified locations, access control in curb and gutter sections and to rebuild the railroad crossing near Parke Avenue. Mr. Jerke said that the City owns 2 small parcels of land about 10 feet wide between the highway and the property owners land that they would like to use as the slope area from the curb and tie into the property owner's area. He said he would be submitting a letter to request the use of those parcels. Also there is triangle piece of land that Mr. Jerke is working with Simplot and Mr. Mitton to acquire.

A discussion followed with questions being asked by the Council.

LIBRARY IT CONTRACT & PROPOSAL OF DUTIES

Attorney Jason Naess presented the Council with an agreement for professional services with Gerald’s Electronic Installation & Repair that the Library Board has reviewed and approved. This is a two-year renewal of the previous agreement to provide the IT services to the Library for \$1250.00 per month.

A motion was made by Council member Casey Andersen and seconded by Council member Mallory to approve the contract with Gerald’s Electronic Installation & Repair.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

APPROVAL OF PARKS MOWER LEASE

Parks Supervisor Brent Winn asked the Council to approve a three-year lease for three John Deere mowers for \$8527.61 per year. He said the old lease was up and that the mowers have been picked up.

Mr. Shirley said that he has reviewed the lease and an amendment to the master lease agreement has been added and that funds in the future would need to be appropriated.

A motion was made by Council member Jon Anderson and seconded by Council member Morgan to allow the Mayor to sign the lease.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

REVIEW OF CITY CODE

City Administrator Mark Mitton addressed the Council about updating our city code. He said our code is old and needs to be changed. He said we have learned from the AIC meetings that misdemeanors should be changed to infractions, and that parts of our code or so old that it does not apply anymore. A recent example is our weed enforcement code was questioned by a local judge because two sections seemed to conflict. He asked that the Council appropriate \$5,000.00 from the contingency fund to start looking at updating sections of the code. He said the attorneys would start looking at it so it meets newer state statues and building codes. Mr. Mitton said he would like our attorneys to do this because they are familiar with our community and the current

city code. Mr. Mitton said that over the next five to six years they would like to go through the whole city code.

A motion was made by Council member Craner and seconded by Council member Morgan to approve \$5,000.00 from the contingency fund to review the city code.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

AMENDMENT FOR WELL 5 ENGINEERING SERVICES

City Engineer Bryan Reiter asked the Council to approve the amendment to the agreement with Keller Associates for an additional \$2,850.00. The original agreement was approved for \$64,970.00 on December 20, 2016 for well 5 water storage tank rehabilitation project. He said that this project was to be started in 2017 but had to be put on hold because the motor in well 7 died so they felt they could not take well 5 out of service at the same time. This amendment addresses the time component and the additional \$2,850.00. He said that this is part of the water master or strategic plan.

A motion was made by Council member Craner and seconded by Council member Jon Anderson to allow the additional \$2,850.00 payable to Keller Associates and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

RENEWAL OF STREET LEVY

City Administrator Mark Mitton said that the last four years we have had a street levy, the first two were for \$200,000.00 per year and then the next two years it dropped to \$140,000.00 because we got money from the new gas tax that made up the difference. Mr. Mitton proposed the next two-year street override levy be \$140,000.00 to \$165,000.00 to be put on the ballot.

A discussion followed with questions being asked by the Council.

A motion was made by Council member Morgan and seconded by Council member Mallory to approve Resolution No. 1-18 at \$165,000.00.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

RESOLUTION NO. 1-18

A RESOLUTION OF THE CITY OF BURLEY, IDAHO, ORDERING AN ELECTION TO BE HELD FOR CITY REGISTERED ELECTORS IN MINIDOKA & CASSIA COUNTIES TO DETERMINE WHETHER THE LEVY UPON TAXABLE PROPERTY SHALL BE INCREASED BY THE SUM OF \$165,000.00 FOR EACH OF THE TAX YEARS 2018 AND 2019; PROVIDING THAT THE INCREASE BE USED FOR THE CONSTRUCTION, REPAIR, & MAINTENANCE OF CITY STREETS AND THE CITY STREET DEPARTMENT; ESTABLISHING A DATE, TIME, AND PLACE OF THE ELECTION; PROVIDING A FORM OF BALLOT; APPROVING A FORM OF NOTICE OF ELECTION; AND PROVIDING FOR RELATED MATTERS.

WHEREAS the Burley City Streets Department and the construction, repair, and maintenance of City streets is funded out of the general revenues of the City of Burley; and

WHEREAS the City has shown the need for an additional One Hundred Sixty-Five Thousand and no/100 Dollars (\$165,000.00) per year in its budget to provide for the continued construction, repair, maintenance, and costs of supplies, equipment, materials, and personnel related thereto; and

WHEREAS the current levy is the maximum allowed by law; and

WHEREAS an override levy will be required to produce One Hundred Sixty-Five Thousand and no/100 Dollars (\$165,000.00) per year for each of the tax years 2018 and 2019 for the continued construction, repair, maintenance, and costs of supplies, equipment, materials, and personnel related thereto; and

WHEREAS Idaho Code § 63-802(3) authorizes a two-year override levy if approved by a majority of the taxing district's electors voting on the question at an election called for that purpose;

NOW, THEREFORE,

BE IT RESOLVED by the Council and Mayor of the City of Burley:

Section 1: An election is hereby called to be held within the City of Burley on May 15, 2018, for the purpose of submitting to the qualified electors of the City of Burley the question set forth in the form of ballot appearing in Section 7 hereof.

Section 2: Said election shall be held in accordance with Idaho Code §§ 63-802(3) and 34-106, and with the Notice of Election attached and incorporated hereto as "Exhibit A." The ballot

proposition to be voted upon at the special election shall be separate from any other measure that might be voted upon on said date and only those qualified electors casting valid ballots upon the proposition set forth herein shall be counted in determining whether the proposition has been approved.

Section 3: The polls of said election shall be open at the hour of 8:00 o'clock A.M. on May 15, 2018, and shall remain open until all registered electors of the City of Burley have appeared and voted, or until 8:00 o'clock P.M. of the same day, whichever occurs first. The polling places for electors of the City of Burley shall be those polling places designated as precinct voting stations by Cassia County and Minidoka County election officials pursuant to Idaho Code.

The polling places shall operate according to Idaho law under the direction of the Cassia County Clerk and Minidoka County Clerk for electors and precincts in their respective counties. All election officials shall take an oath to faithfully perform his or her duties.

Section 4: Any qualified and registered elector of the City of Burley may vote by absentee ballot in the manner provided by Title 34, Chapter 10, Idaho Code. Applications for absentee ballot shall be in writing; contain the name of the elector, his or her home address, county, and the address to which such ballot shall be forwarded; and shall be signed personally by the applicant. Applications for mail-in absentee ballots shall be made to the Cassia County Clerk or Minidoka County Clerk so as to be received no later than 5:00 o'clock P.M. on May 4, 2018. An application for in-person absentee voting at the absent elector's polling place described in Idaho Code § 34-1006 shall be received by the county clerk not later than 5:00 o'clock P.M. on May 11, 2018. To be counted, all absentee ballots must be received by the Cassia County Clerk or Minidoka County Clerk by 8:00 o'clock P.M. on the day of the election, May 15, 2018.

Section 5: Each person voting at such election shall be, at the time of the election, a qualified elector of the City of Burley within the meaning of Article 6, Section 2 of the Idaho Constitution and § 34-402, Idaho Code, eighteen (18) years of age or older, properly registered, and a citizen of the United States who has resided in the State of Idaho and in the City of Burley for at least thirty (30) days preceding the election. The last day for in-person absentee voting is May 11, 2018, at 5:00 o'clock P.M.

Section 6: Electors must, in order to vote at the election, be registered to vote according to the registration records of Cassia County or Minidoka County, Idaho, as required by Idaho Code based on the county in which the elector lives.

Any individual who is eligible to vote may register by mail for said election in the manner provided for by Idaho Code. The deadline to pre-register to vote with the elector's respective county clerk is 5:00 o'clock P.M. on April 20, 2018.

Any person who is eligible to vote may register on election day by appearing in person at the polling place established for the election and completing a registration card, making an oath on the form prescribed by law, and providing proof of residence in the manner provided for by § 34-408A, Idaho Code. Residence, for registration purposes, may be proved by: (1) showing an Idaho driver's license or Idaho identification card issued through the department of

transportation; (2) showing a document that contains a valid address in the precinct together with a picture identification card; or (3) showing a current valid student photo identification card from a postsecondary educational institution in Idaho accompanied with a current student fee statement that contains the student's valid address in the precinct.

No qualified elector who was duly registered as a voter and who continues to reside at the same address or within in the same precinct in which he or she is registered, and who has voted in at least one primary or general election within his or her county of residence during the past four (4) years, shall be required to reregister.

Section 7: The ballot proposition for the said election shall be in substantially the following form:

OFFICIAL BRIEF STATEMENT:

The purpose for which the levy shall be used is the continued construction, repair, and maintenance of City of Burley streets and costs of equipment, materials, and personnel related thereto. The date of the election is May 15, 2018. The dollar amount estimated to be collected each year from the levy is \$165,000.00 for each of the tax years 2018 and 2019. The length of time in which the proposed levy will be assessed is two years.

**CITY OF BURLEY
Cassia County and Minidoka County, Idaho
ELECTION MAY 15, 2018**

SHALL THE LEVY UPON THE TAXABLE PROPERTY WITHIN THE CITY OF BURLEY BE INCREASED TO PRODUCE THE SUM OF ONE HUNDRED SIXTY-FIVE THOUSAND AND NO/100 DOLLARS (\$165,000.00) IN EXCESS OF THAT OTHERWISE ALLOWED BY LAW, FOR EACH OF THE TAX YEARS 2018 AND 2019, TO PROVIDE ADDITIONAL FUNDING FOR THE CITY OF BURLEY STREETS DEPARTMENT AND THE CONTINUED CONSTRUCTION, REPAIR, AND MAINTENANCE OF CITY OF BURLEY STREET AND COSTS OF EQUIPMENT, MATERIALS, AND PERSONNEL RELATED THERETO AS PROVIDED IN RESOLUTION NO. 1-18 OF THE BURLEY CITY COUNCIL ADOPTED ON THE 6TH DAY OF FEBRUARY, 2018?

INSTRUCTIONS: Vote on the foregoing proposition by placing an X in the box to the right of your choice.

IN FAVOR OF increasing the levy by One Hundred Sixty-Five Thousand and no/100 Dollars (\$165,000.00) for each of the tax years 2018 and 2019

AGAINST increasing the levy by One Hundred Sixty-Five Thousand and no/100 Dollars (\$165,000.00) for each of the tax years 2018 and 2019.....

Section 8: Notice of said election shall be given prior to said election by publishing the notice of such election at least twice in a newspaper having general circulation within the City of Burley, the first publication being at least twelve (12) days prior to the election and the last publication being not less than five (5) days prior to the election, which notice shall substantially be in the form attached hereto as Exhibit A.

Section 9: If, at said election, the majority of the voters required under Idaho Code § 63-802(3) vote to approve, the levy on the taxable property within the City of Burley will increase by the amount necessary to produce additional tax revenues in the sum of One Hundred Sixty-Five Thousand and no/100 Dollars (\$165,000.00) in excess of that otherwise allowed by law, for each of the tax years 2018 and 2019.

Section 10: Election officials for the voting places specified above shall meet immediately following the closing of the polls for the purpose of counting the ballots cast at the election, making the count in public view, and shall immediately thereafter make return to the Burley City Council, including all electors' oaths, poll books, election registers, and all ballots cast, under seal. The Burley City Council shall thereupon canvass such returns at a special meeting to be held for that purpose at the regular meeting place of the Burley City Council at a special meeting called for that purpose or at its next regular meeting. Thereupon, the results shall be entered in the minutes of the Burley City Council and proclaimed as final.

DATED this ____ day of _____, 2018.

PASSED _____

APPROVED _____

Steve Ormond
Mayor

ATTEST:

Ellen Maier
City Clerk

DISCUSSION OF GOLF COURSE KITCHEN REMODEL

City Administrator Mark Mitton said the demo of the kitchen remodel has been done and the new walls are going up. Mr. Mitton said that he is just finishing budget numbers and that the equipment is coming in at \$41,000.00 to \$42,000.00. He will get three quotes and currently has two and one half. Mr. Mitton said he is working with the Golf Pro on a budget for the remodeled dining area/kitchen serving area that will include labor and cost of food etc. He will have this ready by the next meeting then he will need to advertise a budget amendment that will take two weeks, so it will miss the next meeting on February 20th. Mr. Mitton said it looks like it will come in around \$50,000.00 to \$60,000.00 and that they will keep it down as low as possible with the assumption the food bar will be fully staffed March through October.

Councilmember Casey Andersen said he had a problem with starting a project and ordering all of the stuff before council has approved if they were going to do the project or not. He stated not to say they wouldn't spend the \$50,000.00 but that council has not approved the money yet. He said he feels that they are not doing things in the right order.

City Administrator Mark Mitton apologized for his misunderstanding. He said it has been before Council many times deciding what to do and based on the timelines he thought they made the decision to start.

Council member Mallory said they did discuss the fact that the season is upon us shortly.

Council member Jon Anderson said he thinks the comment was made that in order to do this we need to start soon. He said he is a little concerned that there wasn't a budget to approve but they were all in agreement to do it.

City Administrator Mark Mitton said it is the way we should do it but timing to get the project done was why they could not get solid numbers first. Mr. Mitton said he will get all of the costs on a spreadsheet and get it to them. He said at the next meeting they can approve the budget amendment to be published which will take three weeks to publish and the Council will then need to adopt it.

NOMINATE BURLEY HONORED CITIZEN

Jim Bryant nominated Mr. Gas and J & L Electric for 2018 Burley's Honored Citizens.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to accept Mr. Gas and J & L Electric for 2018 Burley's honored citizens.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

ENGINEERING CONTRACT FOR WASTE WATER PLANT UPGRADES

Waste Water Treatment Plant Supervisor Dee Hodge stated that in 2006 when the design flows for a five million gallons per day plant was designed the concrete was put in but the equipment was not purchased. He said it was designed for a 20-year life expectancy and we are half way there. Mr. Hodge feels it is time to finish the project due to all of the new housing and businesses coming into the area. He presented the Council with an agreement for engineering design and construction services with Forsgren Associates, Inc. Mr. Hodge said there is money in the capital expense fund and the project will take a couple of years to finish, for now he is looking for the design and construction proposal for this budget year. The contract is broken into four parts for a total of \$308,500.00.

A motion was made by Council member Casey Andersen and seconded by Council member Mallory to approve the contract with Forsgren Associates, Inc. for \$308,500.00 and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

AID TO CONSTRUCTION/ABE’S KOSHER MEAT/ARRANGMENT TO PAY

This was taken off of the Agenda.

RIVER BEND BUSINESS PARK SUBDIVISION APPROVAL

City Engineer Bryan Reiter asked for approval of the River Bend Business Park Subdivision. It is for approximately 17 commercial lots on Bedke Blvd. west of the homes on River Walk. Mr. Reiter said the Technical Review Committee has been working on this for several months and the plat is ready for Councils approval. He stated that there is a section in the code that talks about a guarantee of improvements. A certified check is being held in Attorney Dave Shirley’s office until all improvements that are required from the City by River Bend Business Subdivision/TR2, LLC. have been completed.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve the plat with the additional language of dedicating the public access easement to be placed in the owner’s dedication before it is recorded with the County and authorize the Mayor, City Clerk and Engineer to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

A motion was made by council member Casey Andersen and seconded by Council member Morgan to approve the financial guarantee.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

Council member Jon Anderson thanked the Fire Department for their expertise in the recent fire on Overland Avenue.

A motion was made by Council member Casey Andersen and seconded by Council member Mallory to adjourn the meeting at 8:37 P.M.

All "Aye."

Motion carried.

City of Burley

Mayor Ormond

ATTEST:

City Clerk