

**SPECIAL AND REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
March 20, 2018**

COMMENCE MEETING

Council met in special session at 6:30 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 Casey Andersen to go into executive session pursuant to Idaho Code Section 74-206 (1)(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.

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 a litigation matter.

Executive session adjourned at 6:59 p.m.

Council reconvened at 7:00 p.m.

Council met in regular session at 7:00 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 excused, Economic Development Specialist Doug Manning excused, Building Inspector Gary Pawson, Engineer Bryan Reiter, Fire Chief Shannon Tolman, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn, Librarian Julie Woodford, and Deputy George Warrell and was 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 \$293,752.28.**
 - c. **PAYROLL ENDING 3/2/18 FOR \$303,588.28.**

Information Items

BUILDING PERMITS:

TR2LLC	560 Hampton Drive	Hotel	\$5,900,000.00
Wolverton Homes	2411 Yukon Trail	Single Family	\$ 94,240.00
Big Timber Construction	710 Conant Avenue	Single Family	\$ 119,312.00
Danny Ward	237 E Main	Remodel	\$ 30,000.00
Shane Yates	916 Overland Avenue	Remodel	\$ 100,000.00
Walmart Real Estate	385 N Overland	Addition	\$ 168,000.00

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.

HONOR BURLEY HIGH SCHOOL BASKETBALL TEAM

Mayor Ormond congratulated the Burley High School basketball team along with their coach Roger Caresia for their recent win at State. He said the City of Burley would like to honor them and presented them each with a 12 x 18 team photo that was donated by Ryan's Photography. He stated the photo would be hung in the Council chambers.

SUMMER CONCERT SERIES

C.R. Larsen stated that since the last meeting he has spoken with Chief Tolman about a fire plan and with Sheriff Heward about concerns that he has had in the past with other events, he said both are supportive of his plan. He stated some of the department heads have a concern about parking on the driving range and that it usually costs the city three to four thousand dollars during the Spudman and the Regatta. Mr. Mitton said those are nonprofit events and the city donates their time to set up fence, garbage, crowd control and take care of any damage.

A discussion followed whether the city should use their alcohol license to cater the event, if they should control and charge for the parking, and what they should do to recoup the loss of revenue for the driving range, golf, rental of the pavilions and any other loss of revenue. Attorney Dave Shirley suggested that if other events start using this venue the city should compile what the cost would be to use the different areas and have a public hearing to establish those fees. The fees that are established are to cover the cities' cost only. He stated that in the future we could make a permit with conditions in the use of the permit, but where this is the first time they could approve it based on terms and conditions and the fee.

A motion was made by Council member Morgan and seconded by Council member Mallory to allow the event discussed with the provision for the fee for the park area to be based on the cities cost, a separate fee for the driving range be established and the city not use their alcohol license for the event.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

DISCUSSION ON WORKING WITH P&Z FOR PROPOSED CODE REVISIONS/RECONSIDERATION OF CITY RESOLUTION 5-18 AND P&Z RESOLUTION 2018-1

City Attorney Dave Shirley said that at the last meeting Resolution 5-18 was approved. He said that before it was approved several Councilmen expressed a desire to have input from P&Z and work with them to see what their ideas are going forward. He stated the City needs to work with them to have a revised sub-division ordinance, zoning ordinance and a revised updated comprehensive plan put into place. All of those things require a view of what P&Z sees going forward for the City. He stated that the Council has asked the attorney's office to review the whole city code starting with planning and zoning. Mr. Shirley said that Council could repeal Resolution No 5-18 and instruct the attorneys office as they overhaul the entire zoning and subdivision ordinance to receive input from planning and zoning.

A discussion followed.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Resolution No. 6-18 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.

RESOLUTION 6-18

**A RESOLUTION OF THE BURLEY CITY COUNCIL
REPEALING BURLEY CITY COUNCIL RESOLUTION 5-
18; DECIDING NOT TO ADOPT THE PROPOSED
REVISIONS AND ADDITIONS TO THE BURLEY CITY
CODE DESCRIBED IN BURLEY CITY PLANNING AND
ZONING RESOLUTION 2018-1; AND INSTRUCTING THE
BURLEY CITY ATTORNEY'S OFFICE TO RECEIVE
INPUT FROM THE BURLEY PLANNING AND ZONING
DEPARTMENT TO CREATE A DRAFT OF PROPOSED
REVISIONS TO THE ZONING AND SUBDIVISION
ORDINANCES OF THE CITY OF BURLEY.**

Whereas, Idaho Code Section 67-6511 authorizes the amendment of zoning ordinances, and Idaho Code Section 67-6513 authorizes the amendment of subdivision ordinances; and

Whereas, the Burley City Planning and Zoning Commission ("P&Z") held a public hearing following notice pursuant to Idaho Code Section 67-6509 on proposed amendments to the City Code as set forth in Burley City Planning and Zoning Resolution 2018-1; and

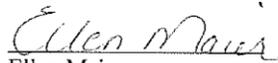
Whereas, said resolution 2018-1 contained a recommendation from P&Z recommending that the Burley City Council ("Council") not approve the proposed amendments to the Burley City Code, but did not include the reasons for the recommendation or alternative recommended provisions; and

Whereas, the Council has instructed the City Attorney's office to begin a review of the entire City Code and to recommend proposed changes, revisions and additions, and also understands that the zoning and subdivision ordinances and comprehensive plan are in need of review and revision; and

Whereas, the Council desires that proposed revisions to the zoning and subdivision ordinances be created with input from the Planning and Zoning Department;

NOW THEREFORE, the Burley City Council hereby resolves:

1. Burley City Council Resolution 5-18 is hereby repealed.
2. As recommended by P&Z, the proposed amendments and additions set forth and described in Burley Planning and Zoning Resolution 2018-1 are not adopted.
3. The City Attorney's Office is instructed to review the entire zoning ordinance and the entire subdivision ordinance, and to receive input from the Planning and Zoning Department to create proposed revisions to the zoning and subdivision ordinances.


Ellen Maier
City Clerk


Steve Ormond
Mayor

VETERANS OF FOREIGN WAR AUXILIARY – FREEDOM FESTIVAL @ SOUTH FREEDOM PARK

Gayle Dickson representing the Veterans of Foreign War Auxiliary said they would like to hold a fun family event for the community on August 4th from 10:00 a.m. to 4:00 p.m. in South Freedom Park. She said that in the past they have held this event in Rupert and would like to move it to Burley. They will have games, entertainment, information booths, food vendors and the National Guard will put up a bounce house. She said they are hoping for around 1000 people throughout the day. This is open to the public so they can come and get to know the veterans. She said they would provide porta-poties. Mrs. Dickson asked if Council would approve the use of South Freedom Park for this event and donate the garbage cans and pickup, but is aware they would need to pay for the tonnage fee. She also asked for the donation of the stage for that day.

A motion was made by Council member Morgan and seconded by Council member Mallory to allow the use of South Freedom Park on August 4th and donation of the stage and garbage pickup but charge for the tonnage and also approve the vendors.

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.

LHTAC AGREEMENT FOR HILAND AVENUE – EAST 19TH STREET SIDEWALK

City Administrator Mark Mitton asked the Council to approve the agreement with LHTAC accepting a grant from the state for \$191,000.00 for sidewalks by White Pine School east and west on 19th. Cassia School District will be putting in the sidewalk on their property. He said the grant is from a portion of money set aside from the gas tax and that we will apply again next year. Mr. Mitton said there is no City match on this project.

A motion was made by Council member Jon Anderson and seconded by Council member Casey Andersen to approve the LHTAC agreement 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.

ITD – PROPERTY USE REQUEST

City Administrator Mark Mitton said that the Idaho Transportation Department is asking for the use of two parcels that the City owns. He presented the Council with diagrams reflecting their proposal. This first is for approximately 10 feet on U.S. 30 west from the Washington Street intersection along the south side of the ITD right of way, which is necessary for the unpaved slope behind the new curb used to tie into the neighboring property elevations. The second is to increase turn movements on the east side of Washington Street south of U.S. 30, they would need this to facilitate the unpaved slope of the shoulder storm water drainage. Mr. Mitton said that if Council approves this then he would bring back a license agreement to be approved.

A motion was made by Council member Casey Andersen and seconded by Council member Jon Anderson to approve going forward with letting the state use the property and bring a license agreement back to the next meeting.

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.

TRANSFER STATION STUDY

City Administrator Mark Mitton presented the Council with a final feasibility study for a solid waste transfer station to review. He mentioned that he has went through this with the public works committee. Mr. Mitton asked the Council if they would like him to schedule a time and present this to the County.

A motion was made by Council member Hawkins and seconded by Council member Mallory to authorize Mr. Mitton to provide an opportunity to make a presentation to the County.

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.

ELECTRICAL RATE STUDY PRESENTATION

Angie Sanchez from FCS Group said that over the last several months they have been working with city staff on a comprehensive electrical rate study. She presented a power point of the results of the study. Angie gave an overview of the rate study process, a summary of their findings, and what they propose for increases. Their projection is through 2021 and they recommend in May 2018 an 8.4% increase, and a 2% increase in October 2018, 2019 and 2020.

APPROVAL OF PUBLIC HEARING FOR ELECTRICAL RATE INCREASE

Electrical Supervisor Brent Wallin asked the Council to allow a public hearing on a base rate increase.

A discussion followed.

A motion was made by Council member Jon Anderson and seconded by Council member Hawkins to allow a public hearing on a base rate increase.

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.

DISCUSSION OF 4TH STREET CROSSING

Council member Jon Anderson proposed to the Council that they make signs and post on McDonald property or across the street that show I-84 with a left turn arrow that would take you behind (west) and up to 5th Street and the stop light, instead of a right turn onto Overland with a turn back to 5th Street and show people that there is an alternate way to go. He also suggested that they talk to the State and get a sign up that says no truck traffic beyond this point turning left on 3rd Street off of Overland into the subdivision.

A discussion followed with suggestions as to what signs would help and if they should stop vehicles from crossing Overland Avenue, making it a right turn only at 4th Street and also putting up a barrier.

Council instructed Mr. Mitton to propose this in a letter to the State.

A motion was made by council member Casey Andersen and seconded by Council member Mallory to adjourn the meeting at 9:10 P.M.

All "Aye."

Motion carried.

City of Burley

Mayor Ormond

ATTEST:

City Clerk