

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
February 15, 2022**

AGENDA

REGULAR SESSION AT 7:00 P.M.

CONSENT CALENDAR

- 1. ACTION ITEM 1.a through c.** 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 \$1,090,949.92.**
 - c. PAYROLL ENDING ON 1/28/22 FOR \$231,372.63.**

- 2. ACTION ITEM** Public Hearing De-Annexation Golden Eagle Project Mark Mitton
- 3. ACTION ITEM** Adopt Ord. No. 1391 De-Annexation Golden Eagle Project Mark Mitton
- 4. ACTION ITEM** Report from Mini-Cassia Master Gardeners Debbie Barnes
- 5. ACTION ITEM** Declare 1994 Dump Truck as Surplus Mike Byrd
- 6. ACTION ITEM** Use of ARPA Funds Mark Mitton
- 7. ACTION ITEM** Lands' End Phase 1A Bryan Reiter

- 8.** Report and Discussion of Recent City Events

Information Items

BUILDING PERMITS:

City Hall is accessible to persons with disabilities. Any person with disabilities desiring accommodation for the City Council meetings, please contact City Hall at 878-2224 at least 48 hours prior to the meeting.

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
February 15, 2022**

COMMENCE MEETING

Council met in regular session at 7:00 p.m. with Mayor Ormond presiding. Council members present were Casey Andersen, John Craner-excused, Janet Hansen, Bryce Morgan-excused, Stegen Phillips and Kimberli Seely.

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Attorney Dave Shirley, Sexton Dave Allred, Economic Development Specialist Doug Manning, Building Inspector Gary Pawson, Engineer Bryan Reiter, Fire Chief Shannon Tolman, Electrical Supervisor Brent Wallin, Librarian Tayce Robinson, Sanitation Supervisor Eric Pufahl, Streets Supervisor Mike Byrd and Deputy Jared Thompson.

INVOCATION

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

CONSENT CALENDAR

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 - a. **APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS**
 - b. **BILLS PAYABLE \$1,090,949.92.**
 - c. **PAYROLL ENDING 1/28/22 FOR \$231,372.63.**

Information Items

BUILDING PERMITS:

A motion was made by Council member Janet Hansen and seconded by Council member Andersen to accept the Consent Calendar as written.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
John Craner	Aye	Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

PUBLIC HEARING – DE-ANNEXATION GOLDEN EAGLE PROJECT

City Administrator Mark Mitton stated that a public hearing was advertised for this time and place to talk about de-annexing property from the first urban renewal revenue allocation area. It is on Idaho Avenue and the road going into High Desert Milk. Mr. Mitton said that there is a project coming in that we are preparing for. He said the total impact to the taxing district is about \$650.00.

It was explained that on the new revenue allocation area there is a base amount on the property that they will build on, which will always stay with the taxing entities, and the increment will accrue back to the Burley Development Authority to issue bonds to help the wastewater plant and help with infrastructure.

Mayor Ormond opened the public hearing for anyone to speak in favor, neutral or against the de-annexation of the Golden Eagle Project.

There was no public comment.

Mayor Ormond then closed the public hearing.

ADOPT ORNINANCE NO. 1391 – DE-ANNEXATION GOLDEN EAGLE PROJECT

Engineer Bryan Reiter stated that on the drive is ordinance 1391 and that attachment one is to be included to have both those parcels removed.

A motion was made by Council member Andersen and seconded by Council member Seely to dispense with the rule requiring three separate readings and read once by title only.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye		
Stegen Phillips	Aye		
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

Ordinance Number 1391 was then read once by title only.

A motion was made by Council member Andersen and seconded by Council member Phillips to adopt Ordinance Number 1391 and allow the mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye		
Stegen Phillips	Aye		
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

ORDINANCE NO. 1391

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO MODIFYING THE URBAN RENEWAL PLAN FOR THE BURLEY URBAN RENEWAL PROJECT BY THE BURLEY DEVELOPMENT AUTHORITY FOR THE CITY OF BURLEY DATED DECEMBER 23, 1998 AS PREVIOUSLY AMENDED; DEANNEXING CERTAIN REAL PROPERTY FROM THE PROJECT AREA/URBAN RENEWAL AREA AND THE REVENUE ALLOCATION AREA; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, The City Council for the City of Burley established the Burley Urban Renewal Agency for the City of Burley, a.k.a. The Burley Development Authority ("Agency") on September 8, 1998 by Resolution 10-98; and

WHEREAS, the City Council for the City of Burley, Idaho ("County"), on December 21, 1998, after notice duly published, conducted a public hearing on the Burley Urban Renewal Project Urban Renewal Plan (the "Plan"); and

WHEREAS, following said public hearing, the City Council adopted its Ordinance 1115 on December 23, 1998, approving the Plan and making certain findings; and

WHEREAS, on December 13, 1999 the Burley City Council and the Mayor of the City of Burley passed and approved Ordinance 1135 amending the Plan; and

WHEREAS, on December 7, 2006 The Burley Development Authority approved and adopted a Second Modification to the Amended Plan; and

WHEREAS, on December 26, 2006 the Burley City Council and the Mayor of the City of Burley approved Ordinances 1206 and 1207 adopting a Second Modification to the Amended Plan; and

WHEREAS, on November 8, 2017 the Burley City Council and Mayor of the City of Burley approved Ordinance 1345 adopting a Third Modification to the Amended Plan, and

WHEREAS, the property described on Attachment 1 to this Ordinance is within the boundaries of the project area/urban renewal area and the revenue allocation area of the Urban Renewal plan for the Burley Urban Renewal Project by the Burley Development Authority ("Agency") for the City of Burley dated December 23, 1998 as previously amended, and

WHEREAS, the Agency has adopted its Resolution 2022-1 recommending and adopting this fourth Amendment finding the property to be de-annexed no longer qualifies for inclusion within an urban renewal district boundary nor within a revenue allocation area and is neither necessary nor beneficial to carry out the purposes of the urban renewal plan, and

ORDINANCE 22__ - 1 - 3

Instrument # 2022000725

BURLEY, CASSIA, IDAHO

2-18-2022 11:09:47 AM No. of Pages: 6

Recorded for : CITY OF BURLEY

JOSEPH LARSEN

Fee: 0.00

Ex-Oficio Recorder Deputy

Index to: ORDINANCE

WHEREAS, The City of Burley also finds that the property to be de-annexed no longer qualifies for inclusion within an urban renewal district boundary nor within a revenue allocation area and is neither necessary nor beneficial to carry out the purposes of the urban renewal plan,

NOW THEREFORE,

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BURLEY;

1. The boundaries of the project area/urban renewal area and of the revenue allocation area of the Urban Renewal Plan for the City of Burley adopted December 23, 1998 as previously amended, are amended to de-annex the real property described on Attachment 1 and as shown on Attachment 2.
2. This ordinance shall become effective upon its being passed by the Burley City Council, Approval by the Mayor and City Clerk and published in accordance with Idaho Law.

PASSED: February 15, 2022

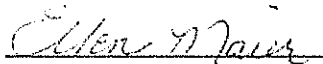
APPROVED: February 15, 2022

CITY OF BURLEY



Steve Ormond, Mayor

ATTEST



Ellen Maier, City Clerk

ATTACHMENT 1

PARCEL 1

L E G A L D E S C R I P T I O N

Part of Government Lots 3 & 4 of Section 19 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Southwest Corner of Section 19 in T.10 S., R.23 E., B.M. said corner marked by a ½" rebar with 3" aluminum cap; Thence North 00 degrees 00 minutes 38 seconds East along the west line of Section 19 for a distance of 1015.01 feet to a ½" rebar on the northerly right of way of the Eastern Idaho Railroad which shall be the Point of Beginning;

THENCE North 00 degrees 00 minutes 38 seconds East along said section line for a distance of 280.00 feet;

THENCE North 33 degrees 43 minutes 36 seconds East for a distance of 153.10 feet;

THENCE North 67 degrees 43 minutes 52 seconds East for a distance of 399.23 feet;

THENCE South 18 degrees 48 minutes 51 seconds East for a distance of 320.88 feet;

THENCE South 73 degrees 53 minutes 09 seconds West for a distance of 8.01 feet;

THENCE South 18 degrees 48 minutes 51 seconds East for a distance of 90.10 feet to the northerly right of way of the Eastern Idaho Railroad;

THENCE South 73 degrees 53 minutes 09 seconds West along said right of way for a distance of 603.05 feet to the Point of Beginning.

Said property contains 4.72 acres more or less.

ATTACHMENT 1

PARCEL 2

L E G A L D E S C R I P T I O N

Part of Government Lots 2 & 3 of Section 19 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Southwest Corner of Section 19 in T.10 S., R.23 E., B.M. said corner marked by a 5/8" rebar with 3" aluminum cap; Thence North 00 degrees 00 minutes 38 seconds East along the west line of Section 19 for a distance of 2639.15 feet to a 5/8" rebar with 3" aluminum cap at the West 1/4 Corner of Section 19; Thence South 85 degrees 31 minutes 51 seconds East along the north line of Gov't Lot 3 for a distance of 456.75 feet to a 1/2" rebar on the southeasterly right of way of Bedke Blvd which shall be the Point of Beginning;

THENCE North 50 degrees 11 minutes 02 seconds East along said right of way for a distance of 266.09 feet to a concrete right of way marker;

THENCE along a non-tangent curve to the left along said right of way for a distance of 52.46 feet to a 1/2" rebar, said curve having a radius of 5789.58 feet, a delta angle of 00 degrees 31 minutes 09 seconds, and a long chord bearing of North 49 degrees 55 minutes 53 seconds East for a distance of 52.46 feet;

THENCE South 70 degrees 11 minutes 42 seconds East for a distance of 274.38 feet to a 1/2" rebar;

THENCE South 89 degrees 57 minutes 43 seconds East for a distance of 538.89 feet to a 1/2" rebar on the east line of Gov't Lot 2;

THENCE South 00 degrees 02 minutes 17 seconds West along said lot line for a distance of 192.23 feet to a 5/8" rebar at the Northeast Corner of Gov't Lot 3;

THENCE South 00 degrees 01 minutes 18 seconds West along the east line of Gov't Lot 3 for a distance of 448.63 feet;

THENCE along a non-tangent curve to the right for a distance of 92.73 feet, said curve having a radius of 50.00 feet, a delta angle of 106 degrees 15 minutes 37 seconds, and a long chord bearing of South 78 degrees 55 minutes 33 seconds West for a distance of 80.00 feet;

(Con't on Page 2)

ATTACHMENT 1

PARCEL 2 (Con't)

Page 2

THENCE South 78 degrees 55 minutes 33 seconds West for a distance of 1047.09 feet;

THENCE South 18 degrees 48 minutes 42 seconds East for a distance of 99.76 feet;

THENCE South 37 degrees 35 minutes 56 seconds East for a distance of 71.51 feet;

THENCE along a non-tangent curve to the right for a distance of 157.08 feet, said curve having a radius of 50.00 feet, a delta angle of 180 degrees 00 minutes 00 seconds, and a long chord bearing of South 17 degrees 03 minutes 42 seconds East for a distance of 100.00 feet;

THENCE South 72 degrees 56 minutes 18 seconds West for a distance of 50.00 feet;

THENCE North 29 degrees 23 minutes 41 seconds West for a distance of 163.34 feet;

THENCE North 18 degrees 48 minutes 42 seconds West for a distance of 521.00 feet;

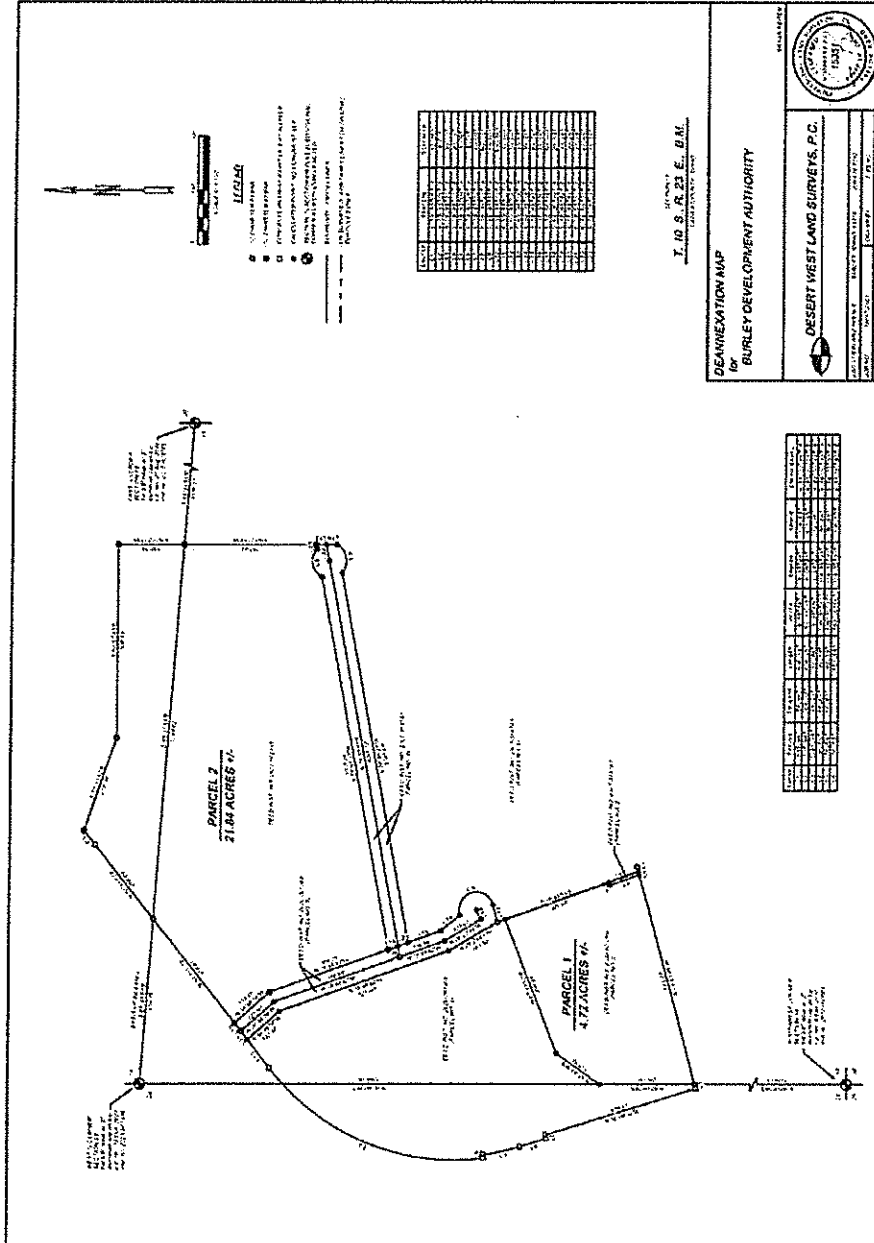
THENCE North 39 degrees 48 minutes 58 seconds West for a distance of 122.34 feet to the southeasterly right of way of Bedke Blvd;

THENCE North 50 degrees 11 minutes 02 seconds East along said right of way for a distance of 434.83 feet to the Point of Beginning.

Said property contains 21.84 acres more or less.

ATTACHMENT 2

MAP OF PROPERTY TO BE DEANNEXED



REPORT FROM MINI-CASSIA MASTER GARDENERS

This item will be presented at the next meeting.

DECLARE 1994 DUMP TRUCK AS SURPLUS

Street Supervisor Mike Byrd asked council to declare a 1994 dump truck as surplus to be sold in the auction. He said it includes the bed but no plow or accessories. He said it is the oldest one and costing a lot of money to keep.

A motion was made by Council member Seely and seconded by Council member Hansen to declare the dump truck as surplus.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye		
Stegen Phillips	Aye		
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

USE OF ARPA FUNDS

City Administrator Mark Mitton said that we have received 1.2 million dollars from ARPA money, now called SLFRF. Mr. Mitton stated that the only things the city can use the money for is water and wastewater infrastructure or broadband. Mr. Mitton’s recommendation is to us the money for broadband and try to get fiberoptics around the city, primarily to the city facilities to replace wireless with fiberoptics. He stated he would like to do an RFP to see if any companies that would like to come into the city would like to build it for us. We would own the fiber. Council asked for time to think about this.

LANDS END PHASE 1A

This item was tabled.

DISCUSSION OF RECENT CITY EVENTS

Electrical Supervisor Brent Wallin stated that there is a platform on our website that council can join the council meeting and participate, instead of by speaker phone. He asked that they get with him if they are interested.

Librarian Tayce Robinson stated that the library would be closed February 26th through March 4th to have new carpet installed.

A motion was made by council member Andersen and seconded by Council member Seely to adjourn the meeting at 7:26 P.M.

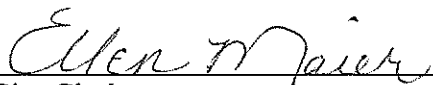
All "Aye."
Motion carried.

City of Burley



Mayor Ormond

ATTEST:



City Clerk