

REGULAR AND SPECIAL BURLEY CITY COUNCIL MEETING

CITY HALL

1401 Overland Avenue Burley, Idaho

February 21, 2023

SPECIAL MEETING AT 6:30P.M.

SPECIAL AGENDA

1. ACTION ITEM: EXECUTIVE SESSION Idaho Code 74-206 (1) (a) and (f)

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, and 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.

REGULAR SESSION AT 7:00 P.M.

REGULAR AGENDA

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 \$347,902.46

c. PAYROLL ENDING ON 02/10/23 FOR \$367,377.61

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| 2. <u>ACTION ITEM</u> | Merchant McIntyre Agreement | Mark Mitton |
| 3. <u>ACTION ITEM</u> | Electric Department PUC Letter | Brent Wallin |
| 4. <u>ACTION ITEM</u> | Latecomers Agreement Policy and Ordinance | Bryan Reiter |
| 5. <u>ACTION ITEM</u> | Suntado Electric Wire Bids | Brent Wallin |
| 6. <u>ACTION ITEM</u> | TDS Fiber – Parke Ave Node Power Discussion | Brent Wallin |
| 7. <u>ACTION ITEM</u> | Hidden Hills Preliminary Plat | David Waldron |
| 8. <u>ACTION ITEM</u> | Driving Range Fees and Winter Rates Change | Scott Draper |
| 9. <u>ACTION ITEM</u> | Approval of Enterprise Lease Agreements | Rick Garner |
| 10. | 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 AND SPECIAL BURLEY CITY COUNCIL MEETING
CITY HALL
February 21, 2023**

COMMENCE MEETING

Council met in special session at 6:35 p.m. with Mayor Ormond presiding. Council members present were Casey Andersen, John Craner, Janet Hansen, Bryce Morgan, Jim Powell and Kimberli Seeley.

City Staff present were as follows: City Administrator Mark Mitton and City Clerk Tracy Bustos

REGULAR SEESION

A motion was made by Council member Andersen and seconded by Council member Morgan to go into executive session concerning the hiring of a public officer, pursuant to Idaho Code 74-206 (1) (a) and (f).

Roll Call Vote.

The results of the votes were as follows:

Casey Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Jim Powell	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

A discussion was held on this matter.

Executive session adjourned at 7:00 p.m.

Council reconvened at 7:02 p.m. with Mayor Ormond presiding. Council members present were Casey Andersen, John Craner, Janet Hansen, Bryce Morgan, Jim Powell and Kimberli Seeley.

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Tracy Bustos, Attorney Dave Shirley, Sexton Dave Allred, Golf Pro Scott Draper, Engineer Dave Waldron, Engineer Bryan Reiter, fire Chief Shannon Tolman, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn, Human Resources Carol Anderson, Sanitation Supervisor Eric Pufahl, and Shop Foreman Rick Garner.

INVOCATION

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

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 - a. APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS
 - b. BILLS PAYABLE **\$347,902.46**
 - c. PAYROLL ENDING ON 02/10/23 FOR **\$367,377.61**

Information Items

BUILDING PERMITS:

A motion was made by Council member Hansen and seconded by Council member Morgan to accept the Consent Calendar as written and pay the bills.

Roll Call Vote:

The results of the votes were as follows:

Casey Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Jim Powell	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

MERCHANT MCINTYRE AGREEMENT

City Administrator Mark Mitton asked to allow the Service Agreement from Merchant McIntyre to be signed. BDA has approved paying for half of the \$8k retainer.

Mr. McIntyre from Merchant McIntyre was present via video to give some background on the agency. Mr. McIntyre explained that the firm is a Federal Funding Agency that focuses on winning federal support for local government entities such as the City of Burley.

A motion was made to allow Mayor Ormond to sign the contract by Council member Morgan and seconded by Council member Powell.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
John Craner	Aye	Jim Powell	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

ELECTRIC DEPARTMENT LETTER TO IDAHO PUC

Brent Wallin introduced Attorney Jaxson Mumms so that the City Council could understand how he could represent the City of Burley and determine if the Electric Department can grow within the boundaries of the city limits.

Attorney Mumms summarized the current service agreement between City of Burley and United Electric, which was signed in 1985 and amended in 2003.

The Attorney explained that there was a similar case brought to the PUC by the City of Idaho Falls against Rocky Mountain Power in which they were able to come to an agreement just by mentioning that the case would be brought before the PUC.

Attorney mentioned that City of Burley's position would be that we should not be held to a contract that does have periodic reviews to see if it is still relevant or to see if it needs to be revised. In the original agreement with United Power there is no review period thus, we are held to this agreement infinitely as it stands.

A motion was made Council member Andersen to allow Attorney Mumms to submit the Petition for Declaration to Public Utilities Commission and seconded by Council member Craner.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
John Craner	Aye	Jim Powell	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

LATECOMERS AGREEMENT POLICY AND ORDINANCE

Bryan Reiter summarized the discussion brought before the Council members at the last meeting and clarified the concept of the Agreement.

Mr. Reiter explained how the Agreements would read and how long the term of the agreement would be in effect based on the cost of the agreement. All accounts with agreements would be reviewed on a quarterly basis and the amount of the reimbursement would be distributed accordingly by the City.

It was asked that the Council members review the Policy for comment so that an Ordinance to authorize the use of the Agreement for Reimbursements and a Resolution adopting Utility Reimbursement Policy at next City Council meeting.

SUNTADO ELECTRIC WIRE BIDS

Brent Wallin is asking for approval of bid from CME for ~\$83k to purchase wire for Suntado's new construction at "Bobcat corner" which requires 10MW of power.

The purchase of the wire will bring wire from the substation to the metering. Mr. Wallin reminded Council members that this bid will fluctuate with the cost of copper, as will the amount of wire delivered based on how it's cut. Thus, the final invoice will increase or

decrease.460,000 will come from a grant and Suntado will cover the remainder. City only provides the labor and equipment.

A motion was made to approve the bid for wire from CME by Council member Morgan and seconded by Council member Andersen.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
John Craner	Aye	Jim Powell	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

TDS FIBER – PARKE AVENUE NODE DISCUSSION

Brent Wallin brought to Council members for discussion the request for power to the TDS node by the Dentist office at Parke Avenue (south of the High School).

It was confirmed that the cabinet would be ground level. The sprinklers would be repaired/replaced by TDS and City will fix the rest.

Homeowners would like the property deeded back to them.

Council members voiced other concerns regarding issues with TDS. Administrator Mark Mitton confirmed that the issue would be brought to their attention at the meeting already schedule with TDS.

Node will be powered up.

HIDDEN HILLS PRELIMINARY PLAT

Dave Waldron brought preliminary plat for Council members to view and comment on for the second time as changes have been made. This plat was resubmitted and recommended by Planning and Zoning department to be approved.

Mr. Waldron pointed out the parking changes to the plat to accommodate additional/better parking for the development. Roads in/out were highlighted and the width of the road, along with stop sign placement for approval.

Concerns regarding a park/greenspace in this development were discussed. Currently we have no code, but it has been recommended. Developer is considering a location for one.

Additional preliminary plats will be forthcoming for future additions to the development.

A motion was made to approve proposed location of stop signs by Council member Andersen and seconded by Council member Craner.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
John Craner	Aye	Jim Powell	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

DRIVING RANGE FEES AND WINTER RATES CHANGE

Scott Draper came seeking approval to increase winter rates to eliminate the need to buy multiple range tokens. Multiple range tokens have been lost over the years and need to be replaced frequently. Additionally, the cost of range balls is increasing. This increase will help with the cost of a new vending machine in the future.

New fee schedule was reviewed and a notice to the public will be advertised, and public hearing will be held since this will be more than a 5% increase.

A motion was made to publish for public hearing by Council member Morgan and seconded by Council member Seeley.

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
John Craner	Aye	Jim Powell	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

APPROVAL OF ENTERPRISE LEASE AGREEMENTS

This topic was tabled for another meeting since agreements need to be revised.

REPORT AND DISCUSSION OF RECENT CITY EVENTS

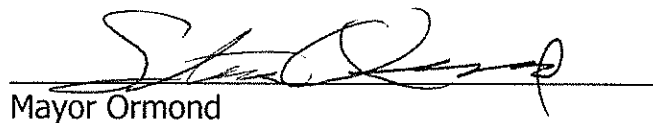
ADJOURN

A motion was made by Council member Andersen and seconded by Council member Morgan to adjourn the meeting at 9:00 p.m.

All "Aye"

Motion carried.

City of Burley



 Mayor Ormond

ATTEST:



 City Clerk