

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
March 5, 2019**

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 \$404,322.34.**
 - c. PAYROLL ENDING ON 2/15/19 FOR \$210,192.49.**

- 2. ACTION ITEM** Fiscal Year 2018 Audit Jacob Catmull
- 3. ACTION ITEM** Library Override Levy March 12th Tommie Dean
- 4. ACTION ITEM** Approval of Resolution No. 2-19 Library Override Levy Julie Woodford
- 5. ACTION ITEM** Contract for Indexing Scanned Documents Brent Wallin
- 6. ACTION ITEM** Approval of Dryer Repairs by AIT Mark Mitton
- 7. ACTION ITEM** Annexation of PV Cemetery, City & Cody Heward Properties Mark Mitton

Information Items

BUILDING PERMITS:

Brent Mitchell Const.	834 Lake Cleveland St	Single Family	\$166,067.00
TKO Homes	751 Conant	Single Family	\$109,066.00
TKO Homes	2327 Denali	Single Family	\$155,631.00
TKO Homes	2400 Zion St	Single Family	\$113,344.00
Century Cinema 5	464 E 5 th N	Addition	\$150,000.00

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**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
March 5, 2019**

COMMENCE MEETING

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, Economic Development Specialist Doug Manning, Building Inspector Gary Pawson, Engineer Bryan Reiter, Fire Chief Shannon Tolman, Parks Supervisor Brent Winn, Librarian Julie Woodford, Golf Pro Scott Draper, Human Resource Carol Anderson and Lt. Jason Rogers was also in attendance.

INVOCATION

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

CONSENT CALENDAR

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BUILDING PERMITS:

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Century Cinema 5	464 E 5 th N	Addition	\$150,000.00

City Administrator Mark Mitton asked the Council to not approve the payable amount of \$58,1580.00 to AIT Services because he is asking for their approval later this evening for this item.

A motion was made by Council member Craner and seconded by Council member Hawkins to accept the Consent Calendar as written with the exception of AIT for \$58,150.00.

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.

FISCAL YEAR 2018 AUDIT

Jacob Catmull from Poulsen VanLeuven & Catmull PS presented the Council with the 2017/2018 audit. This audit is done to meet State of Idaho Code. The city is bound to follow the generally accepted accounting principles and to follow governmental accounting principles that are established for governmental entities. He stated they perform three procedures in the audit process. During the testing procedure they look at the paper trail of the city’s financial activity. They check for original invoices, vendors, signatures and individually look at any large items. They look at records for the State and County and confirm those amounts. Confirmation procedures verify bank accounts, investments accounts, loan balances and revenues from the state. City utilities are looked at in the analytical process making sure the revenues match the rates we are charging. Mr. Catmull said the cities financial statements are in accordance with both of the standards. They then do a review of internal controls of how the city controls the financial process. He stated that this was a clean audit and he has nothing to report outside of those standards. He briefly reviewed the audit report saying the City of Burley has done a good job of setting its rates to match expenditures and has been consistent over time. Council member Craner mentioned in the comments in the front of the audit that it said the City of Burley is positioned well for the growth in the community and opportunity that may come our way. Mr. Catmull said the reserves for our utility funds are critical and commended the city for thinking forward.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to accept the audit report.

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.

LIBRARY OVERRIDE LEVY MAY 21st

Tommie Dean representing the Library reported to the Council that the library’s temporary 2-year operating over-ride levy will expire in 2020. She said in order to continue the current services and programs at the library, the Burley Library board members are requesting the city hold an election to renew the levy on May 21, 2019. The library board is asking for a 3% increase per year, for \$277,280.00. She stated this is the seventh election held for the temporary operating levy with the first being held in 2007.

APPROVAL OF RESOLUTIN NO. 2-19 LIBRARY OVERRIDE LEVY

A motion was made by Council member Morgan and seconded by Council member Mallory to approve resolution No. 2-19 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 NO. 2-19

A RESOLUTION OF THE CITY OF BURLEY, IDAHO, ORDERING A SPECIAL ELECTION TO BE HELD TO DETERMINE WHETHER THE LEVY UPON TAXABLE PROPERTY SHALL BE INCREASED BY THE SUM OF \$277,280.00 FOR EACH OF THE TAX YEARS 2019 AND 2020; PROVIDING THAT THE INCREASE BE USED FOR THE BURLEY PUBLIC LIBRARY; 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 Public Library is funded out of the general revenues of the City of Burley; and

WHEREAS the Burley Public Library has shown the need for an additional Two Hundred Seventy-Seven Thousand Two Hundred Eighty and no/100 Dollars (\$277,280.00) per year in its budget to provide the additional services set forth on "Exhibit A" to this resolution; and

WHEREAS an override levy will be required to produce Two Hundred Seventy-Seven Thousand Two Hundred Eighty and no/100 Dollars (\$277,280.00) per year for the Burley Public Library; 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: A special election is hereby called to be held within the City of Burley on May 21, 2019, 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 8 hereof.

Section 2: Said election shall be held in accordance with Idaho Code §§ 63-802(3) and 34-106, and with the Notice of Special Election attached and incorporated hereto as "Exhibit B." 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: In accordance with Idaho Code § 34-439A, the brief Official Statement attached and incorporated hereto as "Exhibit C," shall be made a part of the ballot and shall be included in the official notice of the election, as indicated in Section 8 and Exhibit B hereof.

Section 4: The polls of said election shall be open at the hour of 8:00 o'clock A.M. on May 21, 2019, 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 within the City of Burley shall be those polling places designated as precinct voting stations by Cassia County and Minidoka County pursuant to Idaho Code.

The polling places shall be operated according to Idaho law under the direction of the Cassia County and Minidoka County Clerks. All election officials shall take an oath to faithfully perform his or her duties.

Section 5: 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 made to the Cassia County or Minidoka County Clerk no later than 5:00 o'clock P.M. on May 10, 2019. All in-person absentee voting must be completed by 5:00 o'clock P.M. on May 17, 2019, and, to be counted, all absentee ballots must be received by the Cassia County or Minidoka County Clerk by 8:00 o'clock P.M. on the day of the special election, May 21, 2019.

Section 6: Each person voting at such special 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 17, 2019, at 5:00 o'clock P.M.

Section 7: Electors must, in order to vote at the special election, be registered to vote according to the registration records of Cassia County or Minidoka County, Idaho, as required by Idaho Code.

Any individual who is eligible to vote may register by mail for said special election in the manner provided for by Idaho Code.

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

CITY OF BURLEY
Cassia County and Minidoka County, Idaho
SPECIAL ELECTION MAY 21, 2019

SHALL THE LEVY UPON THE TAXABLE PROPERTY WITHIN THE CITY OF BURLEY BE INCREASED TO PRODUCE THE SUM OF TWO HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED EIGHTY AND NO/100 DOLLARS (\$277,280.00) IN EXCESS OF THAT OTHERWISE ALLOWED BY LAW, FOR EACH OF THE TAX YEARS 2019 AND 2020, TO PROVIDE ADDITIONAL FUNDING FOR THE BURLEY PUBLIC LIBRARY AS PROVIDED IN RESOLUTION NO. 2-19 OF THE BURLEY CITY COUNCIL ADOPTED ON THE 5TH DAY OF MARCH, 2019?

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 Two Hundred Seventy-Seven Thousand Two Hundred Eighty and no/100 Dollars (\$277,280.00) for each of the tax years 2019 and 2020

AGAINST increasing the levy by Two Hundred Seventy-Seven Thousand Two Hundred Eighty and no/100 Dollars (\$277,280.00) for each of the tax years 2019 and 2020

The Burley City Council has adopted the following Official Statement:

On May 21, 2019, a special election will be held on the question of a levy to provide additional funding for the Burley Public Library as provided in Resolution No. 2-19 of the Burley City Council adopted on the 5th day of March, 2019. The levy will be assessed for the two tax years 2019 and 2020, and it is estimated that Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law will be collected each year.

Section 9: Notice of said special 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 B.

Section 10: If, at said election, the majority of the voters 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 Two Hundred Seventy-Seven Thousand Two Hundred


Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law, for each of the tax years 2019 and 2020.

Section 11: All ballots shall be counted, and all votes shall be tallied and canvassed in the manner provided by Title 34, Chapter 12, Idaho Code.

DATED this 5 day of March, 2019.

PASSED March 5 2019

APPROVED March 5 2019


Steve Ormond
Mayor

ATTEST:

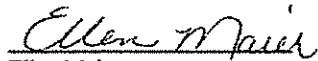

Ellen Maier
City Clerk

EXHIBIT A

Services for the Burley Public Library, which include, but are not limited to:

- Fund Librarians and support staff salaries and benefits to provide service to customers and provide collection development and maintenance.
- Fund a children's and youth Librarian to deliver reading support and other educational programs and also select age-appropriate materials. This levy also provides funding for programs such as Computer and Technology classes, Summer Reading, and after-school programs.
- Supply after-school study and assignment assistance utilizing junior resource interns for traditional library and skilled computer help, and library programs.
- Fund a contracted computer technician to maintain technological and electronic equipment and access including computer, Wi-Fi, and Internet services. Also provides audio support for library programs.
- Provide citizen access to member public libraries belonging to a consortium which shares library materials. The Burley Public Library remains an independent library with membership options.
- Fund the ongoing operating costs of the library automation system and ancillary equipment systems.
- Fund the purchase of additional books, e-books, audio and visual library materials, digital books and audio books, software, and full-tutorial databases.
- Supply library operating supplies.

EXHIBIT B

CITY OF BURLEY
NOTICE OF SPECIAL ELECTION
MAY 21, 2019

NOTICE IS HEREBY GIVEN that, pursuant to Resolution No. 2-19 adopted by the Burley City Council on March 5, 2019, a special election will be held in the City of Burley on Tuesday, May 21, 2019, between the hours of 8:00 o'clock A.M. and 8:00 o'clock P.M. for the purpose of voting upon the question and proposition of increasing the levy on the taxable property within the City of Burley by the amount necessary to produce the sum of Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law, for each of the tax years 2019 and 2020, to provide additional funding for the Burley Public Library as provided in Resolution No. 2-19 of the Burley City Council adopted on the 5th day of March, 2019.

The Burley City Council has adopted the following Official Statement:

On May 21, 2019, a special election will be held on the question of a levy to provide additional funding for the Burley Public Library as provided in Resolution No. 2-19 of the Burley City Council adopted on the 5th day of March, 2019. The levy will be assessed for the two tax years 2019 and 2020, and it is estimated that Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law will be collected each year.

The question to be submitted to the electors of the City of Burley shall be by ballot reading substantially as follows:

SHALL THE LEVY UPON THE TAXABLE PROPERTY WITHIN THE CITY OF BURLEY BE INCREASED TO PRODUCE THE SUM OF TWO HUNDRED SEVENTY-SEVEN THOUSAND TWO HUNDRED EIGHTY AND NO/100 DOLLARS (\$277,280.00) IN EXCESS OF THAT OTHERWISE ALLOWED BY LAW, FOR EACH OF THE TAX YEARS 2019 AND 2020, TO PROVIDE ADDITIONAL FUNDING FOR THE BURLEY PUBLIC LIBRARY AS PROVIDED IN RESOLUTION NO. 2-19 OF THE BURLEY CITY COUNCIL ADOPTED ON THE 5TH DAY OF MARCH, 2019?

Qualified electors shall vote at precinct polling stations designated by Cassia County and Minidoka County.

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 by a majority as required by Idaho Code § 63-802(3).

Qualified electors eighteen (18) years of age or older who have resided in the State of Idaho and in the City of Burley for at least thirty (30) days next preceding the election, if registered as required by law, and no others, will be permitted to vote at said special election.

The Clerks of Cassia County and Minidoka County, Idaho, are the Registrars of said City of Burley and the place of registration for such elections is the Cassia County Courthouse, 1459 Overland Avenue, Burley, Idaho, and the Minidoka County Courthouse, 715 G. Street, Rupert, Idaho. Electors may register at the Cassia County Courthouse or Minidoka County Courthouse until April 26, 2019, at 5:00 o'clock P.M. per Idaho Code § 34-408.

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 Idaho Code § 34-408A. 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.

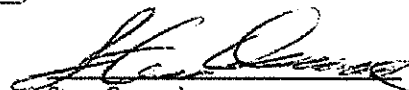
Any individual who is eligible to vote may register by mail for said special election in the manner provided for by § 34-410, Idaho Code.

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.

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 made to the Cassia County or Minidoka County Clerk not later than 5:00 o'clock P.M. on May 10, 2019. To be counted, absentee ballots must be received by said Cassia County or Minidoka County Clerk by 8:00 o'clock P.M. on the day of the special election, May 21, 2019.

If, at said election, the majority of the voters 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 Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law, for each of the tax years 2019 and 2020.

DATED this 5 day of March, 2019.


Steve Ormond
Mayor

ATTEST:

Ellen Maier
Ellen Maier
City Clerk

EXHIBIT C

CITY OF BURLEY OFFICIAL STATEMENT OF MAY 21, 2019, SPECIAL ELECTION

On May 21, 2019, a special election will be held on the question of a levy to provide additional funding for the Burley Public Library as provided in Resolution No. 2-19 of the Burley City Council adopted on the 5th day of March, 2019. The levy will be assessed for the two tax years 2019 and 2020, and it is estimated that Two Hundred Seventy-Seven Thousand Two Hundred Eighty and No/100 Dollars (\$277,280.00) in excess of that otherwise allowed by law will be collected each year.

CONTRACT FOR INDEXING SCANNED DOCUMENTS

City Administrator Mark Mitton asked the Council for approval of a contract with Integra Paperless Business Solutions. This is a software program that will help index the thousands of documents we have scanned to get them in order and on the server making them available to the City workers. He said this software is used a lot by governments and asked to purchase the software that will allow all of our scanned document to be searchable. It includes three user licenses, annual maintenance, some professional service including training and support and the actual indexing of the documents that we already have scanned in which includes maps at the service center, minutes, resolutions and ordinances. The total of the contract is \$6,748.00. He stated this will come out of the electrical budget this year and the \$500.00 annual fee will be budgeted in the future.

A motion was made by Council member Jon Anderson and seconded by Council member Morgan to approve the contract with Integra 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.

APPROVAL OF DRYER REPAIRS BY AIT

City Administrator Mark Mitton asked for approval for \$58,150.00 for a 25% down payment to A.I.T. Services to repair the dryer that was damaged in the wastewater plant fire. He stated that this is the only company that builds these dryers and they need to get in line to get it fixed. He said he will come back with a contract that has more conditions, warranties and a timeline for the repairs.

A short discussion followed. And it was discussed that A.I.T. are a soul source provider.

A motion was made by Council member Jon Anderson and seconded by Council member Morgan to approve the 25% down payment for \$58,150.00 be sent to A.I.T. to get us on the waiting list and that when the contract is finalized legal counsel review it before it is signed.

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.

ANNEXATION OF PLEASANT VIEW CEMETERY, CITY AND CODY HEWARD PROPERTIES

City Administrator Mark Mitton presented Council with Ordinance No. 1358 to annex property owned by the City of Burley. He stated that we could not annex it at the time of purchase due to some problems with two parcels in front of the parcels we purchased that were set aside as road right of ways. This issue has now been resolved so we are now contiguous to property that can be annexed. After this annexation we can purchase the rest of the property that was land locked before the annexation was done.

City Attorney Dave Shirley said this is a category A annexation which requires consent of the owners of the property and the owners of the property that is up against the city property. He stated that there is a consent to annexation that is signed and recorded by Cody Heward that takes care of that requirement.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to dispense with the rule requiring three separate readings and allow Ordinance 1358 be read once by title only.

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.

City Attorney Dave Shirley then read Ordinance No. 1358 once by title only.

A motion was made by Council member Morgan and seconded by Council member Mallory to accept Ordinance No. 1358 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.

ORDINANCE NO. 1358

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, CONSENTING TO THE ANNEXATION OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF BURLEY; ANNEXING ADJACENT AND CONTIGUOUS LANDS LOCATED IN CASSIA COUNTY; DIRECTING THE CITY ENGINEER TO LODGE AND FILE A LEGAL DESCRIPTION AND MAP FOR SAID ANNEXED LANDS; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH OFFICIALS OF CASSIA COUNTY AND THE IDAHO STATE TAX COMMISSION; PROVIDING THAT A COPY OF SAID MAP AND LEGAL DESCRIPTION BE RECORDED WITH THE CASSIA COUNTY RECORDER AND FILED WITH THE CASSIA COUNTY ASSESSOR AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

PREAMBLE

WHEREAS the following parcel of land described on Exhibit "A" is adjacent and contiguous to the City of Burley in Cassia County, Idaho; and

WHEREAS the City of Burley owns a portion of the real property described on Exhibit "A" and hereby consents to the annexation of said real property into the city of Burley; and

WHEREAS the owners of the remaining real property described on Exhibit "A" have consented to annexation by a written Consent to Annexation which was recorded as instrument number 2019000713 of the records of Cassia County, and which was submitted to the City Council of the City of Burley, and incorporated into the minutes of the regular meeting of the Burley City Council held March 5, 2019;

NOW, THEREFORE:

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

Section 1. The City of Burley hereby consents to the annexation of real property it owns that is a

portion of the real property described on Exhibit "A".

Section 2. The following described real estate in Cassia County, Idaho, shall be and the same is hereby annexed into the City of Burley:

See Exhibit "A" Attached hereto and by this reference made a part hereof.

Section 3. The annexed real property shall be subject to all the statutes pertaining to the City of Burley and all ordinances, resolutions, police regulations, taxation and all other powers of the City of Burley.

Section 4. The land use classification of the real property shall remain as it was classified immediately before annexation.

Section 5. The City Engineer is hereby directed to lodge and file with the City Clerk within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the property annexed.

Section 6. The City Clerk is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Cassia County Auditor, Treasurer, Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared and lodged with the City Clerk by the City Engineer, with the Cassia County Assessor, the Cassia County Recorder and the Idaho State Tax Commission, all as provided by Idaho Code Sections 50-223 and 63-215.

Section 7. This Ordinance shall be effective upon its passage, approval and publication.


PASSED March 5, 2019

APPROVED March 5, 2019

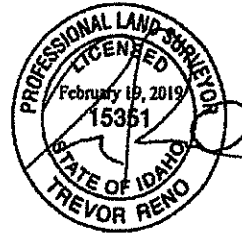
CITY OF BURLEY


Steve Ormond - Mayor

ATTEST:


Ellen Maier - City Clerk

February 19, 2019
JOB # 12982-19C1
CITY OF BURLEY SURVEY



PARCEL 1

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

Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 28 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the North $\frac{1}{4}$ Corner of Section 28 in T.10 S., R.23 E., B.M. said corner marked by a $\frac{3}{8}$ " rebar with a 3" aluminum cap; Thence South 89 degrees 02 minutes 41 seconds East along the north line of Section 28 for a distance of 271.59 feet to the Point of Beginning;

THENCE South 89 degrees 02 minutes 41 seconds East along said section line for a distance of 224.80 feet;

THENCE South 00 degrees 23 minutes 03 seconds West for a distance of 40.11 feet to a $\frac{3}{8}$ " rebar;

THENCE South 00 degrees 23 minutes 03 seconds West for a distance of 225.15 feet to a $\frac{3}{8}$ " rebar;

THENCE South 89 degrees 02 minutes 41 seconds East for a distance of 165.02 feet to a $\frac{3}{8}$ " rebar;

THENCE South 00 degrees 28 minutes 39 seconds West for a distance of 82.65 feet to a $\frac{3}{8}$ " rebar;

THENCE South 88 degrees 47 minutes 01 seconds East for a distance of 194.45 feet to a $\frac{3}{8}$ " rebar;

THENCE South 88 degrees 47 minutes 01 seconds East for a distance of 0.70 feet to the centerline of a drain and the west line of the Teeples Tract;

THENCE South 38 degrees 51 minutes 40 seconds West along said centerline and tract line for a distance of 380.85 feet;

THENCE South 21 degrees 21 minutes 41 seconds West along said centerline and tract line for a distance of 110.60 feet;

THENCE South 06 degrees 28 minutes 20 seconds East along said centerline and tract line for a distance of 108.00 feet;

THENCE South 02 degrees 37 minutes 40 seconds West along said centerline and tract line for a distance of 465.40 feet to the south line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;

THENCE North 88 degrees 57 minutes 20 seconds West along said 1/16 section line for a distance of 566.22 feet to a $\frac{3}{8}$ " rebar at the Southeast Corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$;

(Con't on Page 2)

EXHIBIT "A" - Page 1

February 19, 2019
JOB # 12982-19C1
CITY OF BURLEY SURVEY

PARCEL 1 (Con't)
(Page 2)

THENCE North 89 degrees 04 minutes 58 seconds West along the south line of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 659.06 feet to a $\frac{1}{2}$ " rebar at the Southwest Corner of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$;

THENCE North 00 degrees 01 minutes 21 seconds East along the west line of the E $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ for a distance of 645.47 feet;

THENCE South 86 degrees 15 minutes 03 seconds East along the southerly right of way of an irrigation ditch and the cemetery fence for a distance of 30.06 feet to a $\frac{1}{2}$ " rebar;

THENCE South 86 degrees 15 minutes 03 seconds East along said southerly right of way of an irrigation ditch and the cemetery fence for a distance of 630.34 feet to a $\frac{1}{2}$ " rebar on the west line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;

THENCE North 00 degrees 01 minutes 30 seconds East along said $\frac{1}{4}$ section line for a distance of 10.55 feet;

THENCE South 89 degrees 40 minutes 11 seconds East for a distance of 267.04 feet to a 1" iron pipe in concrete in 5" iron pipe;

THENCE North 00 degrees 23 minutes 46 seconds East for a distance of 497.04 feet to a $\frac{1}{2}$ " rebar;

THENCE North 89 degrees 04 minutes 41 seconds West for a distance of 270.29 feet to a $\frac{3}{8}$ " rebar on the west line of the NW $\frac{1}{4}$ NE $\frac{1}{4}$;

THENCE North 00 degrees 01 minutes 30 seconds East along said $\frac{1}{4}$ section line for a distance of 160.90 feet;

THENCE South 89 degrees 03 minutes 34 seconds East for a distance of 1.69 feet to a $\frac{3}{8}$ " rebar;

THENCE South 89 degrees 03 minutes 34 seconds East for a distance of 269.64 feet to a $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 23 minutes 46 seconds East for a distance of 40.33 feet to the Point of Beginning.

Said property contains 24.55 acres more or less and is subject to any easements or right of ways, existing or of record.

PREPARED BY:
Desert West Land Surveys
2020 Overland Ave.
Burley, Idaho 83318

EXHIBIT "A" - Page 2

Instrument # 2019000713
 BURLEY, CASSIA, IDAHO
 3-1-2019 03:29:12 PM No. of Pages: 4
 Recorded for : CITY OF BURLEY
 JOSEPH LARSEN Fee: 0.00 CV
 Ex-Officio Recorder Deputy
 Index to: AGREEMENT/BILL OF SALES

CONSENT TO ANNEXATION

In accordance with Idaho Code §50-222(4)(a), CODY HEWARD, a married man dealing with his sole and separate property, whose address 3380 Cherokee Lane, Provo, UT 84604, (hereinafter "Owner"), the Owner of the land identified in Exhibit "A", the ("Land"), hereby consent to the annexation of the Land by the City of Burley, Idaho (the "City").

Owners hereby acknowledge that the signing of this consent does not bind the City to annex the Land, rezone the Land, or provide any other services or benefit to the Land. The purpose of this Consent is solely to indicate and provide evidence of the Owner's consent to annexation should the City determine that such is appropriate.

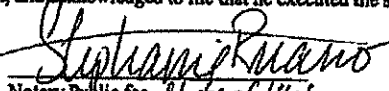
DATED this 26 day of February, 2019.


 CODY HEWARD

STATE OF Utah)
) ss.
 County of Utah)

On this 25 day of ~~August~~ ^{February}, in the year 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared CODY HEWARD, known or identified to me to be the person who executed the said instrument, and acknowledged to me that he executed the same.




 Notary Public for State of Utah
 Residing at Provo, UT
 My Commission expires on 9/28/2019

PARCEL 1

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

Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Northwest Corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 in T.10 S., R.23 E., B.M. said corner marked by a $\frac{1}{2}$ " rebar with 3" aluminum cap; Thence South 89 degrees 02 minutes 41 seconds East along the north line of Section 28 for a distance of 331.51 feet; Thence South 00 degrees 23 minutes 03 seconds West for a distance of 40.34 feet to a $\frac{1}{2}$ " rebar; Thence South 89 degrees 07 minutes 31 seconds East for a distance of 40.93 feet to a $\frac{1}{2}$ " rebar which shall be the Point of Beginning;

THENCE South 89 degrees 07 minutes 31 seconds East for a distance of 123.95 feet to a $\frac{1}{2}$ " rebar;

THENCE South 00 degrees 23 minutes 03 seconds West for a distance of 96.91 feet;

THENCE North 89 degrees 07 minutes 31 seconds West for a distance of 42.15 feet to a $\frac{1}{2}$ " rebar;

THENCE North 89 degrees 07 minutes 31 seconds West for a distance of 81.80 feet to a $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 23 minutes 03 seconds East for a distance of 96.91 feet to the Point of Beginning.

Said property contains 0.28 acres more or less and is subject to any easements or right of ways, existing or of record.

PARCEL 2

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

Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Northwest Corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 in T.10 S., R.23 E., B.M. said corner marked by a $\frac{1}{4}$ " rebar with 3" aluminum cap; Thence South 89 degrees 02 minutes 41 seconds East along the north line of Section 28 for a distance of 331.51 feet; Thence South 00 degrees 23 minutes 03 seconds West for a distance of 40.34 feet to a $\frac{1}{4}$ " rebar which shall be the Point of Beginning;

THENCE South 89 degrees 07 minutes 31 seconds East for a distance of 40.93 feet to a $\frac{1}{4}$ " rebar;

THENCE South 00 degrees 23 minutes 03 seconds West for a distance of 96.91 feet to a $\frac{1}{4}$ " rebar;

THENCE South 89 degrees 07 minutes 31 seconds East for a distance of 81.80 feet to a $\frac{1}{4}$ " rebar;

THENCE South 89 degrees 07 minutes 31 seconds East for a distance of 42.15 feet;

THENCE South 00 degrees 23 minutes 03 seconds West for a distance of 128.24 feet to a $\frac{1}{4}$ " rebar;

THENCE South 89 degrees 02 minutes 41 seconds East for a distance of 165.02 feet to a $\frac{1}{4}$ " rebar;

THENCE South 00 degrees 28 minutes 39 seconds West for a distance of 82.65 feet to a $\frac{1}{4}$ " rebar;

THENCE South 88 degrees 47 minutes 01 seconds East for a distance of 194.45 feet to a $\frac{1}{4}$ " rebar;

THENCE South 88 degrees 47 minutes 01 seconds East for a distance of 0.70 feet to the centerline of a drain;

THENCE South 38 degrees 51 minutes 40 seconds West along said centerline for a distance of 76.80 feet;

THENCE North 89 degrees 22 minutes 43 seconds West for a distance of 3.01 feet to a $\frac{1}{4}$ " rebar;

THENCE North 89 degrees 22 minutes 43 seconds West for a distance of 474.08 feet to a $\frac{1}{4}$ " rebar;

THENCE North 00 degrees 23 minutes 03 seconds East for a distance of 371.86 feet to the Point of Beginning.

Said property contains 1.92 acres more or less and is subject to any easements or right of ways, existing or of record.

PARCEL 3

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

Part of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the North $\frac{1}{4}$ Corner of Section 28 in T.10 S., R.23 E., B.M. said corner marked by a $\frac{1}{2}$ " rebar with a 3" aluminum cap on top; Thence South 89 degrees 02 minutes 41 seconds East along the north line of Section 28 for a distance of 331.51 feet (330.2', Rec.) to the eastern boundary of Addition No. 1 to Pleasantview Cemetery which shall be the Point of Beginning;

THENCE South 89 degrees 02 minutes 41 seconds East (S 89°21' E, Rec.) along said section line for a distance of 164.88 feet (165.0', Rec.);

THENCE South 00 degrees 23 minutes 03 seconds West (South, Rec.) for a distance of 40.11 feet (40', Rec.) to a $\frac{1}{2}$ " rebar;

THENCE North 89 degrees 07 minutes 31 seconds West (N 89°21' W, Rec.) for a distance of 164.88 feet (165.0', Rec.) to a $\frac{1}{2}$ " rebar on the eastern boundary of Addition No. 1 to Pleasantview Cemetery;

THENCE North 00 degrees 23 minutes 03 seconds East (North, Rec.) along said cemetery boundary for a distance of 40.34 feet (40', Rec.) to the Point Of Beginning.

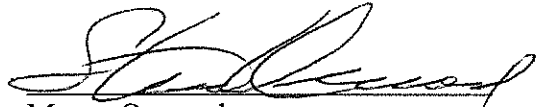
Said property contains 0.15 acres more or less and is subject to any easements or right of ways, existing or of record.

Fire Chief Tolman reported that there was a house fire with a fatality. He stated they have had three fires with fatalities in the last twenty years.

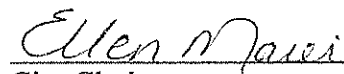
A motion was made by council member Casey Andersen and seconded by Council member Mallory to adjourn the meeting at 7:55 P.M.

All "Aye."
Motion carried.

City of Burley


Mayor Ormond

ATTEST:



City Clerk