

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
March 17, 2020**

COMMENCE MEETING

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

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Attorney Dave Shirley and Jason Naess, Economic Development Specialist Doug Manning, Golf Pro Scott Draper, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn.

INVOCATION

The Invocation was offered by Council member Craner 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 \$365,724.99.**
 - c. **PAYROLL ENDING 2/28/20 FOR \$206,051.42.**

Information Items

BUILDING PERMITS:

Brent Mitchell Construction	1078 Elmwood Circle	Single Family	\$152,843.00
James ray Construction	735 Lake Cleveland St	Single Family	\$138,959.00
Wolverton Homes	932 Magnolia St	Single Family	\$144,900.00
Wolverton Homes	933 Magnolia S	Single Family	\$149,900.00
Strikezone Properties	1458 Oriental	Single Family	\$ 15,000.00

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

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

PUBLIC HEARING – WATERLINE EASEMENT VACATION – 394 N OVERLAND

City Administrator stated that a few meetings ago an easement was created for the new McDonalds rebuild. The water line in the new easement has now been installed, tested and ready to go into service. He said this is the time and place that was advertised to hold a public hearing to vacate the old easement that the old water line was in.

Mayor Ormond opened the public hearing up for anyone to speak in favor or against the vacation of the easement.

There was no public comment.

Mayor Ormond then closed the public hearing.

APPROVAL OF ORDINANCE NO. 1370 VACATING EASEMENT

It was mentioned that the easement that is being vacated now has a storage facility and trash container on it so that is why we are asking to vacate it.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to dispense with the rule requiring three separate readings and read Ordinance No. 1370 once by title only.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

Attorney Dave Shirley then read Ordinance No. 1370 once by title only.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Ordinance No. 1370 and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

ORDINANCE NO. 1370

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, VACATING A
PORTION OF A UTILITY EASEMENT; DETERMINATING PUBLIC
GOOD; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, McDonalds USA, LLC, petitioned the City of Burley to abandon and vacate the portion of a utility (waterline) easement described on Exhibit "A" (hereinafter "Easement"); and

WHEREAS, a public hearing was held on March 17, 2020, and proper notice was given; and

WHEREAS the Burley City Council and Mayor considered all relevant information made available to it to determine whether the abandonment would be in the public interest;

After due consideration the Burley City Council makes the following findings of fact:

1. Abandonment and vacation will not leave any real property adjoining the Easement without access to alternative easements.
2. Abandonment of the Easement will allow for the development of real property within the City.
3. All utility facilities of the City of Burley, have been removed from the Easement and have been relocated.
5. The City of Burley currently has alternative easements to reroute all waterline facilities previously located in the Easement.
6. The Easement exists only within real property owned or controlled by the petitioner.

NOW THEREFORE,

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

1. That the Easement is hereby abandoned and vacated with any easement rights previously held by the City of Burley in the vacated portion reverting to the current fee owners as provided by Idaho law, provided that any right of way, easements and franchise rights of any lot owner or public utility other than the City of Burley shall not be impaired hereby.
2. It is hereby determined that this vacation is for the public good.
3. This ordinance shall become effective on the date it is published in accordance with Idaho law.

PASSED March 17, 2020

APPROVED March 17, 2020

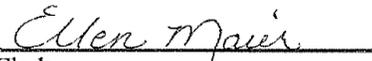
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3-19-2020 02:37:06 PM No. of Pages: 3
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CITY OF BURLEY



Mayor

ATTEST



Clerk

EXHIBIT "A"

WATERLINE EASEMENT VACATION

A portion of an existing 10 foot-wide waterline easement, recorded as Instrument No.# 222180, records of Minidoka County, situate in a portion of APN:RPB3300007000B, located in Block 7 of Green Acres Subdivision, as same is shown on the official plat thereof, dated June 24, 1960, Minidoka County records, situate in the Northeast one quarter of the Northwest one quarter of Section 17, Township 10 South, Range 23 East, Boise Meridian, City of Burley, Minidoka County, Idaho, being more particularly described as follows:

COMMENCING at a point marking the intersection of the south right-of-way line of West Fourth Street North & the west right-of-way line of North Overland Road (Idaho State Highway 27), said point being common with the northeast corner of APN:RPB3300007000B; thence on said south right-of-way line, South 89°41'38" West, 197.22 feet to the **POINT OF BEGINNING**;
Thence leaving said south right-of-way line, South 00° 10' 43" East, 140.00 feet;
Thence South 89° 41' 38" West, 10.00 feet;
Thence North 00° 10' 43" West, 140.00 feet, to a point on said south right-of-way line;
Thence on said south right-of-way line, North 89° 41' 38" East, 10.00 feet to the **POINT OF BEGINNING**.

The street address for the property described above is commonly known as 394 N Overland Avenue, Burley, Idaho 83318.

PUBLIC HEARING – APPROVAL OF TOWNHOUSE SUBDIVISION ORDINANCE

Attorney Jason Naess presented Council with an ordinance to approve townhouse subdivisions and townhouse development regulations. He said that the advertised public hearing is for a new housing type that has not been included in the city code prior to this. The ordinance was reviewed by the planning & zoning commission on February 12th. He said the ordinance reviewed did not make them a permitted use in any zone district, instead it requires a conditional use, only allowing it in the R-2 and R-2A zone districts. After planning & zoning held a public hearing, they are recommending Council approve the Ordinance with a change. They wanted townhouse developments to also be a permitted use in the R-3 zone district and in any zone district that incorporated the permitted uses within the R-3 district.

Mayor Ormond opened the meeting up for a public hearing.

There was no public comment for or against the townhouse subdivision ordinance.

Mayor Ormond then closed the public hearing.

APPROVAL OF TOWNHOUSE ORDINANCE NO. 1371

A motion was made by Council member Casey Andersen and seconded by Council member Seely to dispense with the rule requiring three separate readings and read Ordinance No. 1371 once by title only.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

Attorney Dave Shirley then read Ordinance No. 1371 once by title only.

A motion was made by Council member Craner and seconded by Council member Morgan to approve Ordinance No. 1371 and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

ORDINANCE NO. 1371

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, AMENDING CHAPTER 6, TITLE 6 OF THE BURLEY CITY CODE BY ADDING A NEW SECTION 9; PROVIDING FOR THE CREATION AND PLATTING OF TOWNHOUSE SUBDIVISIONS WITHIN CERTAIN ZONES OF THE CITY OF BURLEY; AMENDING SECTIONS 5-6-1, 5-6-2, 5-6A-1, 5-6A-2, 5-7-1, 5-7-3, 5-12-1, 5-2-1 AND 5-4-3 OF THE BURLEY CITY CODE; PROVIDING FOR REGULATIONS AND REQUIREMENTS OF TOWNHOUSE SUBDIVISIONS, TOWNHOUSE SUBDIVISION PLATS AND TOWNHOUSE DEVELOPMENTS; PROVIDING FOR ZONING OF TOWNHOUSE SUBDIVISIONS AND DEVELOPMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Chapter 6 of Title 6 of the Burley City Code is hereby amended to include the following subsection:

6-6-9: TOWNHOUSE SUBDIVISIONS:

6-6-9-1: Purpose: The purpose of this section is to set forth provisions to provide for the public health, safety and welfare of purchasers and residents of Townhouse Developments.

6-6-9-2 Applicability:

A. The provisions of this Section 6-6-9 of the Burley City Code shall apply to all property to be subdivided into townhouse lots to be used for Townhouse Developments or Townhouse Units. All other provisions of this title and all applicable ordinances, rules and regulations of the City and all other governmental entities having jurisdiction shall be complied with by any subdivision that includes lots for Townhouse Developments or Townhouse Units (Townhouse Subdivision).

B. A "Townhouse Development" is defined as a structure containing three (3) or more dwelling units attached by common walls where each dwelling unit (Townhouse Unit) is located on a separate lot. A "Townhouse Unit" is defined as a dwelling including a minimum of one bathroom and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes and is located in a Townhouse Development.

6-6-9-3 Application Requirements:

A. The applicant of a Townhouse Subdivision shall submit with the preliminary plat application a copy of the proposed party wall agreement(s) and any proposed document(s) creating an association of owners of the proposed townhouse lots, which shall adequately provide for the control and maintenance of all commonly held facilities, garages, landscaping, parking and/or open site areas.

B. Prior to final plat approval, the applicant shall submit to the city a final copy of agreements and documents as described above and shall file documents prior to recordation of the plat, which shall reflect the recording instrument numbers.

6-6-9-4 Process:

A. Preliminary plat for townhouse subdivisions shall be submitted and reviewed as set forth in Section 3 Chapter 3 of this title.

B. A final plat shall not be approved by the council until the council has approved a financial guarantee of performance for completion of improvements pursuant to section 3, chapter 5 of this title.

6-6-9-5. Standards for Garage:

A. Detached garages may be platted on separate sublots; provided, that the ownership of detached garages is tied to specific townhouse units on the townhouse plat and in any owner's documents. Detached garage(s) may not be sold and/or owned separately from any dwelling unit(s) within the Townhouse Development.

6-6-9-6. Conditional Use Permit Required. Before approval of a preliminary plat, all owners of proposed Townhouse Subdivisions within the R-2 or R-2A Districts must have received a Conditional use permit pursuant to procedures identified in chapter 15 of title 5 of this Code.

6-6-9-7. Parking. Townhouse Subdivisions shall provide a minimum of two and three tenths (2.3) parking spaces per townhouse unit. Garages shall not be included for meeting the required number of parking spaces. Recreational Vehicles shall be prohibited from parking within townhouse subdivisions except for spaces specifically designed for Recreational Vehicle parking as indicated on the final plat. Recreational Vehicle parking spaces shall not be included for meeting the required number of parking spaces.

6-6-9-8. Construction Standards. All Townhouse Development construction shall be in accordance with the IBC, IRC and IFB. Each townhouse unit must have separate water, sewer and utility services, which do not pass through another building or unit.

6-6-9-9. Lot Size. Townhouse lots shall each contain a minimum of two thousand one hundred (2,100) square feet (excluding any detached garage space) and shall each have at least twenty five (25) feet of road frontage.

6-6-9-10. Setbacks and Yard Size. Required setbacks and yard sizes of the zone in which the townhouse lot is located shall apply except that no side-yard setback shall be required where two Townhouse Units are joined by a common wall. The minimum distance between any two Townhouse Developments shall be ten feet (10') or the distance required by the IBC or the IFC, whichever is greater. Setbacks shall be measured from the lot line of the townhouse lot.

6-6-9-11. Public Streets and Easements. A portion of Public Street located entirely within a Townhouse Subdivision may be twenty-seven feet (27') in width provided that said Public Street does not front any buildable lot that is not a Townhouse lot, the Townhouse Subdivision meets the requirement of having at least 2.3 off street parking spaces for each Townhouse lot, additional easements ten feet (10') in width are granted or dedicated along each side of the Public Street for sidewalks and utilities, and the Public Street complies with the "Local B" specifications of the transportation master plan in effect at the time of the approval of the Townhouse Subdivision.

6-6-9-12. Conflicting provisions. For Townhouse Developments and Townhouse Subdivisions the provisions of this Section 6-6-9 shall supersede any conflicting provision concerning setbacks, Public Street width, yard size, Lot size and Lot coverage set forth in Title 5 or Title 6 of this Code.

SECTION 2. Section 5-6-1 of the Burley City Code is hereby amended as follows:

5-6-1: PERMITTED AND SPECIAL USES:

(A) In the R-2 district the following buildings and uses are permitted:

All uses permitted in the R-1 district.

Multi-family dwellings not to exceed four (4) units.

(B) In the R-2 district the following buildings and uses may be permitted upon an applicant's receipt of a special use permit pursuant to the procedures identified in chapter 15 of this title:

A five (5) to eight (8) unit multi-family dwelling.

A group daycare facility.

A Townhouse Development.

SECTION 3. Section 5-6-2 of the Burley City Code is hereby amended as follows:

5-6-2: AREA REQUIREMENTS:

There shall be a lot area of not less than the following:

- (A) Single-family unit, six thousand two hundred fifty (6,250) square feet.
- (B) Two-family unit, eight thousand (8,000) square feet.
- (C) Three-family unit, nine thousand (9,000) square feet.
- (D) Four-family unit, ten thousand (10,000) square feet.
- (E) For each unit over a four-family unit, add seven hundred fifty (750) square feet per unit. No lot shall be subdivided to provide less than six thousand five hundred (6,500) square feet of lot area nor have a width of less than sixty five feet (65') nor a depth of less than one hundred feet (100') including a utility easement off of the portion of an alley or one-half (1/2) of any utility easement or one-half (1/2) of a twenty foot (20') alley; provided, it does not exceed ten feet (10') may be counted in determining the area requirement as herein provided.
- (F) Townhouse lots shall each contain a minimum of two thousand one hundred (2,100) square feet (excluding any detached garage space) and shall each have at least twenty five (25) feet of road frontage.

SECTION 4. Section 5-6A-1 of the Burley City Code is hereby amended as follows:

5-6A-1: PERMITTED AND SPECIAL USES:

- (A) In the R-2A District the following buildings and uses are permitted:
 - All uses permitted in the R-1 District.
 - Multi-family dwellings not to exceed four (4) units.
- (B) In the R-2A District the following buildings and uses may be permitted upon an applicant's receipt of a special use permit pursuant to the procedures identified in chapter 15 of this title:
 - A five (5) to eight (8) unit multi-family dwelling.
 - A group daycare facility.
 - Associations, i.e., veterans' organizations, retired persons' associations, Red Cross, Boy Scouts, YMCA, YWCA.
 - Barbershops and beauty shops.
 - City and County offices.
 - Clinics and hospitals.
 - Homes for handicapped.

Lodges, fraternities and sororities, membership clubs, social, recreational and community centers which are not conducted primarily for gain.
Medical and dental offices.
Mortuaries.
Museums and cultural centers.
Neighborhood markets.
Nursing homes, group daycare facilities, daycare centers, apartments, trailer courts, provided the same in all respects comply with the existing ordinances for the regulation of trailer courts in the City.
Professional offices.
Radio and television studios.
Townhouse Developments

SECTION 5. Section 5-6A-2 of the Burley City Code is hereby amended as follows:

5-6A-2: AREA REQUIREMENTS:

There shall be a lot area of not less than the following:

- (A) Single-family unit, six thousand two hundred fifty (6,250) square feet.
- (B) Two-family unit, eight thousand (8,000) square feet.
- (C) Three-family unit, nine thousand (9,000) square feet.
- (D) Four-family unit, ten thousand (10,000) square feet.
- (E) For each unit over a four-family unit, add seven hundred fifty (750) square feet per unit. No lot shall be subdivided to provide less than six thousand five hundred (6,500) square feet of lot area nor have a width of less than sixty five feet (65') nor a depth of less than one hundred feet (100') including a utility easement off of the portion of an alley or one-half ($\frac{1}{2}$) of any utility easement or one-half ($\frac{1}{2}$) of a twenty foot (20') alley; provided, it does not exceed ten feet (10') may be counted in determining the area requirement as herein provided.
- (F) Group dwelling, five thousand (5,000) square feet for the first separate building plus two thousand (2,000) square feet for each additional separate dwelling structure.
- (G) Townhouse lots shall each contain a minimum of two thousand one hundred (2,100) square feet (excluding any detached garage space) and shall each have at least twenty five (25) feet of road frontage.

SECTION 6. Section 5-7-1 of the Burley City Code is hereby amended as follows:

5-7-1: PERMITTED AND SPECIAL USES:

(A) In the R-3 District the following buildings and uses are permitted:

All uses permitted in the R-1 and R-2 Districts.
Associations, i.e., veterans' organizations, retired persons' associations, Red Cross, Boy Scouts, YMCA, YWCA.
Barbershops and beauty shops.
Boarding houses.
City and County offices.
Clinics and hospitals.
Homes for handicapped.
Lodges, fraternities and sororities, membership clubs, social, recreational and community centers which are not conducted primarily for gain.
Medical and dental offices.
Mortuaries.
Museums and cultural centers.
Neighborhood markets.
Nursing homes, group daycare facilities, daycare centers, apartments, trailer courts, provided the same in all respects comply with the existing ordinances for the regulation of trailer courts¹ in the City.
Professional offices.
Radio and television studios.
Rooming houses.
Townhouse Developments

(B) In R-3 Districts the following buildings and uses may be permitted upon an applicant's receipt of a special use permit pursuant to the procedures identified in chapter 15 of this title:

Halfway houses.

SECTION 7. Section 5-7-3 of the Burley City Code is hereby amended as follows:

5-7-3: AREA REQUIREMENTS:

There shall be a lot area of not less than:

(A) Single-family unit, four thousand five hundred (4,500) square feet.

(B) Multi-family unit, four thousand five hundred (4,500) square feet plus seven hundred fifty (750) square feet for each additional family unit in a dwelling structure.

(C) Group dwelling, five thousand (5,000) square feet for the first separate building plus two thousand (2,000) square feet for each additional separate dwelling structure.

(D) Townhouse lots shall each contain a minimum of two thousand one hundred (2,100) square feet (excluding any detached garage space) and shall each have at least twenty five (25) feet of road frontage.

SECTION 8. Section 5-12-1 of the Burley City Code is hereby amended as follows:

5-12-1: OFF STREET PARKING:

No building permit shall be issued until the applicant has presented satisfactory evidence to the building inspector that he owns or has otherwise available for his use sufficient property to provide the parking required in subsection (A) of this section. A "parking space" is an area of not less than one hundred eighty (180) square feet, net, exclusive of access or maneuvering area, or ramps or columns, etc., to be used exclusively as a temporary storage space for one private vehicle.

(A) Parking Requirements: Automobile parking space shall be provided according to the following schedule and subject to the following conditions in any district in which any of the following uses shall be established.

1. Each family dwelling unit	Parking spaces for 2 vehicles.
	Parking space shall be provided for the vehicles to be parked side by side and not in tandem
2. Places of public assembly including lodges and fraternal buildings not providing overnight accommodations, assembly halls, auditoriums, skating rinks, bowling alleys, theaters, fairgrounds, funeral homes, community centers, libraries and similar type public assembly areas	At least 1 off street parking space for each 5 seats provided for patron use and/or at least 1 off street parking space for each 75 square feet of floor area used for public assembly, but not containing fixed seats. This space may be provided at a point not farther than 300 feet distance in a direct line from the nearest part of the building or structure used for public assembly to the nearest part of the parking area except in the case of parks and fairgrounds such space may be provided at a point not farther than 300 feet distance in a direct line from the nearest part of such land used for public

	assembly to the nearest part of the parking area.
3. Churches	At least 1 off street parking space for each 5 seats and/or 1 off street parking space for each 90 linear inches of pew space in any church, such parking to be located on the same lot or on contiguous lots with the church unless such church be located in an R-1 through R-3 district, such parking space may be located at a point not farther than 300 feet from the nearest part of such church building.
4. Restaurants, bars, nightclubs and other similar dining or refreshment establishments	Off street parking space for at least 1 space for each 50 square feet of floor space exclusive of kitchen, restroom and storage rooms.
5. Motels, tourist courts, tourist homes and trailer parks	1 off street parking space for each guestroom or suite of guestrooms shall be required. 1 off street parking space for each trailer space in a trailer court, providing only overnight parking, but if the court is for permanent parking, then 2 off street parking spaces shall be provided. Such space shall be provided on the lot or lots on which such motel, tourist court, tourist home or trailer court is located.
6. Hotels	Parking space for 1 vehicle for each 3 beds, such parking may be provided at a point not farther than 300 feet distance in a direct line from the nearest part of such hotel building.
7. Hospitals	Parking space for 1 vehicle for each 3 patient beds, plus at least 1 off street parking space for each staff doctor, plus at least 1 additional off street parking space for each 6 employees.

<p>8. Doctors' offices, dentist offices, medical clinics, medical centers</p>	<p>1 off street parking space for each 300 square feet of floor area and 1 space for each employee in the office.</p>
<p>9. Schools, including elementary schools, junior high schools, high schools and all other similar institutions of learning</p>	<p>At least 1 off street parking space for each 3 employees, including administrators, teachers and building maintenance personnel and at least 1 off street parking space for each 10 high school or above students predicted upon the designated capacity of the physical plant.</p>
<p>10. Retail establishments, office buildings and commercial establishments not specified in this section</p>	<p>1 off street parking space for each 300 square feet of floor area and an additional parking space for 1 vehicle for each 800 square feet of floor area on the upper floor or floors of any commercial building not otherwise specified herein; such space may be provided at a point not farther than 300 feet distance in a direct line from the nearest point of such commercial building.</p>
<p>11. Wholesale manufacturing and industrial plant, including warehousing and storage building and yards, public utility buildings, contractor equipment and lumberyards, business service establishments and all other structures devoted to similar mercantile and industrial pursuits</p>	<p>At least 1 off street parking space for each 3 employees.</p>
<p>12. For any and all uses or structures not specifically provided for in the foregoing enumerations, such parking space as the planning and zoning commission shall determine to be necessary, considering all the parking generating factors involved.</p>	

13. Fast food restaurants	In addition to the requirements of subsection (A)4 of this section, 3 off street parking spaces for each 3 booths, tables, or other facilities accommodating on premises customers.
<u>14. Townhouse developments</u>	<u>Townhouse Developments shall provide a minimum of two and three tenths (2.3) parking spaces per townhouse unit. Garages shall not be included for meeting the required number of parking spaces. Recreational Vehicles shall be prohibited from parking within Townhouse Subdivisions except for spaces specifically designed for Recreational Vehicle parking as indicated on the final plat. Recreational Vehicle parking spaces shall not be included for meeting the required number of parking spaces.</u>

(B) Design Standards:

1. All off street automobile parking facilities shall be designated with appropriate means of vehicular access to a street or alley as well as maneuvering areas. No driveway or curb cuts in any district shall exceed twenty five feet (25') in width except as otherwise regulated by governmental authority, and detailed plans shall be submitted to the proper official for approval of all curb cuts or driveway openings before a permit may be obtained therefor.
2. The parking area shall be paved with an asphaltic or concrete surfacing, afford adequate drainage and shall have bumper guards where needed.
3. The parking areas shall be used for automobile parking only, with no sales, storage, repair work or servicing of any kind conducted thereon, except where the lot is constructed to accommodate trucks with adequate space.
4. If lighting is provided, it shall be arranged to reflect away from any residential area, also from any public street or highway.

SECTION 9. Section 5-2-1 of the Burley City Code is hereby amended as follows:

5-2-1: DEFINITIONS:

For the purpose of this title, certain terms and words are hereby defined as follows: words used in the present tense include the future; words used in the singular number include the plural, and words used in the plural include the singular number; the word "shall" is mandatory and not permissive; the word "person" includes individuals, partnerships, corporations, clubs or associations, or other similar entities. The following words and terms, when applied in this title, shall carry full force and effect when used interchangeably: lot, plot, parcel or premises; used, arranged, occupied or maintained; sold or dispensed; construct, reconstruct, erect, alter, structurally or otherwise, but not the term maintained or any form thereof. The term "City" shall mean the City of Burley; the term "Council" shall mean the City Council of the City of Burley, Idaho; the Planning Commission shall mean the City of Burley Planning Commission. Other definitions are:

ACCESSORY DWELLING UNIT: A residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in this Code.

ACCESSORY USE OR BUILDING: An accessory use or building is a subordinate use or building which is clearly incidental to and located on the same premises with the main use or building.

ALTERATION: As applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

APARTMENT: A suite of rooms, with cooking accommodations and sanitation facilities, used for living purposes. Each apartment shall be considered a dwelling unit.

BOARDING HOUSE: A single residential building containing more than two (2), but fewer than four (4), sleeping rooms with shared or no cooking accommodations and shared sanitation facilities for the lodging of unrelated persons. Meals may or may not be provided. A boarding house is not open to the public or overnight guests.

BUILDING AREA: The total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

BUILDING HEIGHT: The vertical distance measured from the natural grade level to the highest level of the roof structure of flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge of gable, gambrel or hip roofs.

BUILDING, MAIN: A building or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the

SECTION 9. Section 5-2-1 of the Burley City Code is hereby amended as follows:

5-2-1: DEFINITIONS:

For the purpose of this title, certain terms and words are hereby defined as follows: words used in the present tense include the future; words used in the singular number include the plural, and words used in the plural include the singular number; the word "shall" is mandatory and not permissive; the word "person" includes individuals, partnerships, corporations, clubs or associations, or other similar entities. The following words and terms, when applied in this title, shall carry full force and effect when used interchangeably: lot, plot, parcel or premises; used, arranged, occupied or maintained; sold or dispensed; construct, reconstruct, erect, alter, structurally or otherwise, but not the term maintained or any form thereof. The term "City" shall mean the City of Burley; the term "Council" shall mean the City Council of the City of Burley, Idaho; the Planning Commission shall mean the City of Burley Planning Commission. Other definitions are:

ACCESSORY DWELLING UNIT: A residential dwelling unit located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Accessory dwelling units shall be developed in accordance with the standards set forth in this Code.

ACCESSORY USE OR BUILDING: An accessory use or building is a subordinate use or building which is clearly incidental to and located on the same premises with the main use or building.

ALTERATION: As applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

APARTMENT: A suite of rooms, with cooking accommodations and sanitation facilities, used for living purposes. Each apartment shall be considered a dwelling unit.

BOARDING HOUSE: A single residential building containing more than two (2), but fewer than four (4), sleeping rooms with shared or no cooking accommodations and shared sanitation facilities for the lodging of unrelated persons. Meals may or may not be provided. A boarding house is not open to the public or overnight guests.

BUILDING AREA: The total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

BUILDING HEIGHT: The vertical distance measured from the natural grade level to the highest level of the roof structure of flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge of gable, gambrel or hip roofs.

BUILDING, MAIN: A building or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the

GROUP DAYCARE FACILITY: A home, place, or facility providing daycare for seven (7) to twelve (12) children.

GROUP RESIDENCE: A single residential building in which eight (8) or fewer unrelated persons with disabilities or elderly persons reside and who are supervised at the group residence in connection with their disability or age related infirmity. Resident staff, if employed, need not be related to each other or to any of the persons with disabilities or elderly persons residing in the group residence. No more than two (2) of such staff shall reside in the group residence at any one time.

GUESTROOM: A room providing, for a fee, sleeping accommodations and customary lodging services for transient guests, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone service.

HALFWAY HOUSE: A group residence in which the tenants or residents are persons who are under the supervision of the State Board of Corrections pursuant to section 20-219, Idaho Code, or who are required to register pursuant to chapter 83 or 84, title 18, Idaho Code, or whose tenancy would otherwise constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. The residence may be operated by an agency or an individual.

HOME OCCUPATION: An occupation or profession which:

(A) Is customarily carried on in a dwelling unit, or in an attached building, provided that no commodity is sold upon the premises.

(B) Is carried on by a member of the family residing in the dwelling unit.

(C) Is clearly incidental and secondary to the use of the dwelling unit for residential purposes.

(D) Conforms to the following additional conditions:

1. The occupations or professions shall be carried on wholly within the principal building, or within an attached building.

2. No one outside of the family shall be employed in a "home occupation".

3. There shall be no exterior display, no exterior storage of materials, and no other exterior indication of the "home occupation" or variation from the residential character of the principal building.

4. No offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced.

5. The activity shall be limited to the hours between seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

A home occupation shall not include among others, the following:

- (A) Barbershops and beauty parlors.
- (B) Commercial stables, veterinary offices, hospitals and kennels.
- (C) Real estate offices.
- (D) Restaurants.

HOSPITAL: A place for the treatment or care of human ailments, and unless otherwise specified, the term shall include sanatorium, preventorium, clinic, maternity home, rest home, home for the aged and convalescent homes.

HOTEL: A building other than a boarding house as defined herein, which building contains more than five (5) guestrooms.

JUNKYARD: The use of a lot, or portion thereof, for the storage, keeping or abandonment of junk, dismantled automobiles or other vehicles, or machinery or parts thereof including scrap metals, rags or other scrap materials.

LOT: A parcel of land, or two (2) or more contiguous parcels to be used as a unit under the provisions of this title, as shown in the records of the County Assessor's Office, and having its principal frontage on a street.

Corner Lot: A lot abutting on two (2) or more intersecting streets where the interior angle of intersection does not exceed one hundred thirty five degrees (135°).

Interior Lot: A lot having but one side abutting on a street.

LOT LENGTH: The length or depth of a lot shall be:

- (A) If the front and rear lines are parallel, the shortest distance between such lines.
- (B) If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line.
- (C) If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten feet (10') long lying wholly within the lot.

LOT LINE: (A) Front: The front property line of a lot shall be determined as follows:

1. Corner Lot: The front property line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets as originally platted or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing customs of

the other buildings in the block. If such front is not evident, then either may be considered the front of the lot, but not both.

2. Interior Lot: The front property line of an interior lot shall be the line bounding the street frontage.

3. Through Lot: The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the Zoning Appeals Board shall determine the front property line. Such a lot over two hundred feet (200') deep may be considered, for the purposes of this definition, as two (2) lots each with its own frontage.

(B) Rear: The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than ten feet (10') long, lying within the lot and parallel to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten feet (10') long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

(C) Side: The side property lines of a lot are those lot lines connecting the front and rear property lines of a lot.

LOT WIDTH: The width of a lot shall be assumed to be:

(A) If the side property lines are parallel, the shortest distance between the side lines.

(B) If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

MANUFACTURED HOME: A structure constructed according to HUD/FHA Mobile Home Construction and Safety Standards, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is forty feet (40') or more in length or erected on the site is three hundred twenty (320) or more square feet, which is built on a permanent chassis and designed to be used as a dwelling on a permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this subsection except the size requirements and with respect to the manufacture to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC section 5401 et seq.

MOTEL: A building or group of buildings containing guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of automobile travelers and providing automobile parking space on the premises.

NEIGHBORHOOD MARKET: A neighborhood-serving retail store of three thousand five hundred (3,500) square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience shopping needs.

NONCONFORMING USE: A building, structure or use of land existing at the time of the effective date hereof and which does not conform to the regulations of the district in which it is located.

NURSERY SCHOOL: An institution for the care of children, of preschool age, the activity of which shall be conducted between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this title.

PARKING LOT, COMMERCIAL: A lot upon which cars are parked subject to remuneration.

PARKING LOT, PRIVATE: A lot upon which cars are parked without charge.

PERMITTED USE: A use specifically permitted or analogous to those specifically permitted in all established districts.

PORCH, OPEN: A roof partially supported by columns, which columns shall be no larger than one hundred forty four (144) square inches in diameter nor closer together than four feet (4') on centers, any portion of which extending into a front or side yard shall have no enclosure by walls, screens, lattice or other materials, which porch is used solely for ingress and egress, and not for occupancy as a sleeping porch or washroom.

PRIVATE USE: One which is restricted to the occupants of a lot or building together with their guests, where compensation for such use is not received, and where no business or commercial activity is associated with such use or building.

PROFESSIONAL USE: The rendering of service of a professional nature by:

(A) Architects, engineers and surveyors.

(B) Doctors, dentists and all those persons who are licensed by the State to perform services about the human body.

(C) Lawyers.

(D) Certified public accountants and public accountants.

(E) Consultants and practitioners who are recognized by the appropriate above-licensed professions.

PROHIBITED USE: A use which is not specifically permitted or analogous to those specifically permitted.

PUBLIC STREET: The land dedicated, accepted or condemned for use as a highway for the benefit of the public at large or established as such highway by the right of prescription or common user, however, any such right-of-way as may be created after the effective date hereof shall not be considered to be a public street unless it is sixty feet (60') or more in width, except where streets are entirely local when the width of fifty feet (50') may be declared to be a "public street" if approved by the commission.

RECREATIONAL VEHICLE: A motor vehicle or trailer which is designed to include living or sleeping quarters. Types of RVs include motorhomes, campervans, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers and truck campers.

RESIDENTIAL USE: Shall be deemed to include single and multiple dwellings, hotels, motels and trailer parks.

RESTAURANT: An establishment other than a boarding house where meals which are prepared therein may be secured by the public.

ROOMING HOUSE: A single residential building containing more than two (2), but fewer than four (4), sleeping rooms with shared or no cooking accommodations and shared sanitation facilities for the lodging of unrelated persons. Meals are not provided. A rooming house is not open to the public or overnight guests.

SCHOOL: A place of general instruction in the arts and sciences including college, but excluding institutions such as business colleges or vocational schools, or whose primary purpose is the teaching of physical culture, music or dancing, unless a home occupation, trades or industries, or the combination of any two (2) or more of these.

SIGN: A display for the purpose of making anything known and visible beyond the boundaries of the property on which said sign is located. This shall not be deemed to include such reasonable displays at churches, public or quasi-public institutions nor street addresses, nor flags of any nation or political subdivisions thereof.

SLEEPING ROOM: A room, other than a guestroom, in which no cooking facilities are provided, and which provides sleeping accommodations for no more than two (2) persons.

SMALL CELL TELECOMMUNICATIONS FACILITY: Any facility established for the purpose of providing wireless voice, data, and/or image transmissions within a designated service area with a smaller service footprint than would be covered through the installation of a tower or macro cell service. Typically, such facilities are intended to fill gaps in service areas provided by larger telecommunication facilities. Small cell telecommunication facilities:

(A) Shall not be staffed.

(B) May consist of up to an antenna, a support structure in certain circumstances, and related equipment. An included antenna may not be larger than a maximum height of three feet (3') and a maximum width of two feet (2').

(C) Shall not have a backup generator, other power supply, or other equipment that produces noise discernible above the ambient noise level as detected from any adjacent property.

(D) Shall comply with all Federal Communication Commission ("FCC") standards and requirements, including compliance with the FCC's regulations regarding human exposure to radio frequency emissions and transmit levels, site access, and appropriate warning and/or other signage.

(E) Shall be constructed and operated in a manner so as to not interfere with public safety communications or with the reception of radio, television, or other communication services.

(F) Shall be no greater than forty feet (40') in height, including the height of any support structure and any attached antenna.

(G) Shall be developed in compliance with title 4, chapter 8 of this Code.

SPECIAL USE: A use which shall be permitted in a zoning district only after review and approval by the Planning and Zoning Commission pursuant to section 5-15-2 of this title.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than four feet six inches (4'6") above the grade level shall not be considered a floor. A mezzanine floor shall be considered a story if it exceeds forty percent (40%) of the area of the floor next below it.

TOWNHOUSE DEVELOPMENT: A structure containing three (3) or more dwelling units attached by common walls where each dwelling unit (Townhouse Unit) is located on a separate lot. A "Townhouse Unit" is defined as a dwelling including a minimum of one bathroom and a single kitchen, designed for or occupied as a unit by one family for living and cooking purposes and is located in a Townhouse development.

TOWNHOUSE SUBDIVISION: Any subdivision that includes lots for Townhouse Developments or Townhouse Units.

TRAILER PARK: Any lot, tract, or parcel of land, licensed by the City, and used or offered for use in whole or in part with or without charge for the parking of occupied trailer coaches, used solely for living and/or sleeping purposes. The term "trailer" means mobile home where the context so requires. "Trailer park" means mobile home park where the context so requires.

USE: The specific purpose for which a building or lot is arranged, intended, designed, occupied or maintained.

WHOLESALE: The business of selling goods or merchandise to retailers or jobbers for resale to the ultimate consumer.

YARD: A required space other than a court on any lot, unoccupied by a structure and unobstructed above or below ground level except as otherwise provided herein, and measured as the minimum horizontal distance from a building or structure, excluding carports, porches, and other permitted projections, to the property line opposite such building line; provided, however, that where a future width line is established by the provisions of this title for any street bounding the lot, then such measurements shall be taken from the line of the building to such future width line.

YARD, FRONT: A yard extending across the front of a lot.

YARD, REAR: A yard extending across the rear of a lot.

YARD, SIDE: Any yard that lies between front and rear yard.

SECTION 2. Section 5-4-3 of the Burley City Code is hereby amended as follows:

5-4-3: SUPPLEMENTARY REGULATIONS; RESIDENCE DISTRICTS:

Notwithstanding any specific regulations in this title enumerated for each district, the following general requirements, where applicable, shall apply:

(A) No lot shall hereafter be so reduced in area after a building permit is granted as to cause any open space required by this zoning title to be less in any dimension than is herein required for the district and lot in question.

(B) Every lot shall have frontage on a dedicated public street.

(C) Any parcel of land having an area or average width less than that required by the provisions of this zoning title for a lot in the district in which such parcel is situated, and which parcel was legally established at the time it came under the provisions of this zoning title, shall be deemed to be a lot and may be used as a building site; provided, however, that all other regulations for the district shall be complied with.

(D) No lot shall be divided in such a way that any division of such a lot shall contain more dwelling units than are permitted by the zoning title of the district in which said lot is situated.

(E) Where two (2) or more lots are used as a building site and where main buildings cross lot lines, then the entire area shall be considered as one lot, except that the front of the

parcel shall be determined to be the front of the individual lots as originally platted or laid out. This subsection shall not apply to lots of Townhouse Developments.

(F) The fact that a lot or lots as originally platted or laid out have been divided into other lots after coming under the provisions of this zoning title shall not allow deviation from the provisions of this zoning title with respect to the lots as originally platted or laid out.

(G) If, after dividing the area of a lot by the zoning requirements for the district in which the lot is situated, there is a remainder which is less than that required for a unit, but more than eighty percent (80%) of that amount, then one additional dwelling unit may be built on such lot.

(H) In any district, any parcel of land shown as a lot on the plat of a subdivision duly recorded in the office of the county recorder, and where the side boundary lines are not parallel, may have a frontage of less than the sixty feet (60') otherwise required; provided, that the width of such parcel measured along a line at right angles to the center axis thereof and at a distance from the front lot line equal to the required front yard measurement, shall not be less than sixty feet (60').

(I) A large lot or parcel of land may be subdivided into smaller lots, provided such smaller lots conform to the lot size limitations of the district in which the lots are situated; however, if a parcel is divided into more than four (4) lots, the building inspector shall not issue permits for same unless a recorded plat of such subdivision shall be filed.

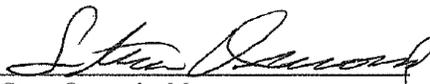
(J) Where future width lines have been established, all required yards shall be measured from such future width lines.

This ordinance shall be effective upon passage by the Burley City Council, approval by the Mayor and publication.

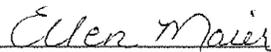
PASSED March 17, 2020

APPROVED March 17, 2020

CITY OF BURLEY


Steve Ormond – Mayor

ATTEST:


Ellen Maier - City Clerk

GOLF COURSE KITCHEN OPERATION

City Administrator Mark Mitton stated that the recreation committee met earlier this year discussing the concessionaire and the problems that the concessionaire and the city encountered last year. The workers under the supervision of the concessionaire could not help out anywhere else in the club house so they sat around a lot of the time. The concessionaire wrote a letter with a list of things that kept him from making a profit, such as tournaments bringing in their own food. Mr. Mitton stated the committee, golf pro, and himself discussed the fact that it would be more efficient to hire a couple people under the direction of the golf pro to run the snack bar. In slack times they could also help out where needed in the club house. He said they have started the recruitment but have not hired anyone yet. He said this would not be an increased cost, because they would not be paying a concessionaire and it is on the agenda for their approval.

A discussion followed with the consensus that Mr. Shirley would bring back a policy statement that would compensate the golf pro a percentage of the profits on the snack shop up to \$5,000.00.

AIRPORT FEASIBILITY STUDY

City Administrator Mark Mitton said the FAA would like to move forward with the feasibility study. He stated the next step in moving forward is the feasibility study. This study will decide if there is anything that will keep the land from becoming an airport, such as anything of a geological significance, they look at the airspace, is the property feasible for an airport, how will it get built, is it fundable and several other factors. When the feasibility study is complete they will then move to the environmental document. Mr. Mitton asked Council to approve the advertising of a RFP to cover those two items. He said this will be in next year's budget, it will cost about \$300,000.00 and our share of the grant will be 7% or \$21,000.00.

A discussion followed with an explanation of the history of the airport.

A motion was made by Council member Morgan and seconded by Council member Jon Anderson to approve going forward with the airport feasibility study and environmental study.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

RESOLUTION NO. 3-20 MAY STREET OVERRIDE LEVY FOR \$165,000.00

City Administrator Mark Mitton presented Resolution No. 3-20 as presented at the last meeting.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Resolution No. 3-20 and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

RESOLUTION NO. 3-20

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 2020 AND 2021; 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 2020 and 2021 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 19, 2020, 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 19, 2020, unless the County Clerks of Cassia and/or Minidoka Counties opt to open the polls at 7:00 o'clock A.M., 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 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 8, 2020. 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 19, 2020.

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 15, 2020, 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 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 24, 2020, for paper applications and midnight on April 24, 2020 for online applications.

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 19, 2020. The dollar amount estimated to be collected each year from the levy is \$165,000.00 for each of the tax years 2020 and 2021. 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 19, 2020**

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 2020 AND 2021, 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. 3-20 OF THE BURLEY CITY COUNCIL ADOPTED ON THE 17TH DAY OF MARCH, 2020?

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 2020 and 2021

AGAINST increasing the levy by One Hundred Sixty-Five Thousand and no/100 Dollars (\$165,000.00) for each of the tax years 2020 and 2021.....

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 2020 and 2021.

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 county 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.

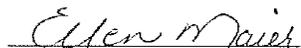
DATED this 17th day of March, 2020.

PASSED March 17, 2020

APPROVED March 17, 2020


Steve Ormond
Mayor

ATTEST:


Ellen Maier
City Clerk

COMMITTEES AND AGENDAS

Council member Casey Andersen said that committees meet to discuss items with the administrator or department heads at length, then bringing their recommendations to the full council. He said that according to the Idaho open meeting laws that the minutes must be made available to the public in a reasonable time. He said he thinks a week to ten days is plenty and that these were not available for the February 12th committee meeting. He said there was some question when the minutes were published.

A discussion followed with concerns about the process of posting minutes for committees in a timely manner. Attorney Dave Shirley stated that a Council member can go to a committee meeting as long as they contact the clerk's office so it can also be noticed as a Council meeting and minutes of who attended, the topics discussed and referencing the committee minutes so the open meeting law is not violated. Mr. Shirley said the state code says that they need to be approved and posted within a reasonable time. He said that if some meetings are once a month then a reasonable time would be once a month. He also said that if someone requests a copy of the raw unapproved minutes they would need to be produced within 3 days. This is done through an official records request.

It was decided that committee minutes need to be approved at the next meeting and the raw minutes should be published within a reasonable time.

It was clarified that the minutes for the February 12th recreation committee had been sent out to the committee members to be reviewed and were not finalized until after the March 3rd Council meeting. It was also discussed that minutes should be ready within five business days when circumstances permit.

ARBOR DAY PROCLAMATION

Mayor Ormond stated that the city recreation department participates in Arbor Day each year and this year will be planting trees at the John V Evans School. He asked Council to approve the 2020 Arbor Day Proclamation. Mayor Ormond then read the proclamation.

A motion was made by Council member Jon Andersen and seconded by Council member Morgan to approve the proclamation.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

City Administrator Mark Mitton stated that he met with the department heads this morning instructing them on how to protect their employees from the corona virus. He said the City Clerk's office will remain open and they have been supplied with hand sanitizer. The Fire

Department has closed their building to the public. The Library will check out books online and those books will be delivered to customers who wait in their cars.

A motion was made by council member Casey Andersen and seconded by Council member Morgan to adjourn the meeting at 8:25 P.M.

All "Aye."
Motion carried.

City of Burley

Mayor Ormond

ATTEST:

City Clerk