

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
April 7, 2020**

COMMENCE MEETING

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

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Engineer Bryan Reiter and Electrical Supervisor Brent Wallin. Joining by phone were Attorney Dave Shirley, Waste Water Treatment Director Dee Hodge, Golf Pro Scott Draper, Fire Chief Shannon Tolman, Parks Supervisor Brent Winn and Human Resource Carol Anderson.

INVOCATION

The Invocation was offered by Council member Casey Andersen 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 \$1,032,096.35.**
 - c. **PAYROLL ENDING 3/20/2020 FOR \$324,008.68.**

Information Items

BUILDING PERMITS:

Jorge Carrera	1240/1242 Conant	Duplex	\$443,238.00
TKO Custom Homes	2440 Great Basin Way	Single Family	\$ 95,030.00
David Burgess	1108 Overland Ave A & B	Remodel	\$132,288.00
Ramiro Paz	248 Dennis Dr	Remodel	\$ 10,000.00
DBH Development	301 Miller Ave	Single Family	\$110,000.00
Wickel Tire Pros	539 Overland	Remodel	\$750,000.00
Reed Gibby	134 Hwy 81	Office Complex	\$925,000.00

New Hires

Jason Parton	Cemetery	Cemetery Laborer	\$14.25 Per Hour
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A motion was made by Council member John Craner and seconded by Council member Morgan 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.

PROCLAMATION DECLARING MAY AS MENTAL HEALTH MONTH

Mayor Ormond asked the Council to declare the Month of May as Mental Health Month. He then read the proclamation.

A motion was made by Council member Casey Andersen and seconded by Council member Seely to approve the proclamation 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.

GOLF PRO COMPENSATION

City Administrator Mark Mitton presented Council with a resolution that would compensate the Golf Pro 10% of the gross sales of all food and beverages sold from the restaurant and club house not to exceed \$5,000.00 as discussed at the March 17th meeting.

A discussion followed. It was mentioned that the current job description says: manages snack bar and concessionaire contract along with performs other duties as assigned. It was also mentioned that this is a lot different than a snack bar, it is a restaurant. Golf Pro Scott Draper said that when the transition was made from a contractor to a concessionaire the discussion was centered around managing the contract with an outside concessionaire.

A motion was made by Council member Casey Andersen and seconded by Council member Jon Anderson to table this item.

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	Nay	Kimberli Seely	Aye

Motion carried.

ORDINANCE NO 1371 APPROVAL TO PUBLISH SUMMARY

City Attorney Dave Shirley stated that this is a very lengthy townhouse ordinance that was already approved at the March 17th meeting. It would cost a lot to publish the entire ordinance so he asked Council to approve publishing it by summary.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to allow the summary to be published.

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.

SUMMARY OF 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.

The full text of Ordinance No. 1371 is available at the Burley City Hall located at 1401 Overland, Burley, ID, and will be provided to any citizen upon personal request during normal office hours.

Ordinance No. 1371 amends provisions of Title 6 Chapter 6, and of Title 5 Chapters 2, 4, 6, 6A, 7 and 12 of the Burley City Code. A Summary of the principal provisions of ordinance No. 1371 of the City of Burley, Idaho, adopted by the Burley City Council on September 3, 2019, is as follows:

SECTION 1. Chapter 6 of Title 6 of the Burley City Code is 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 IFC. 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(B) of the Burley City Code is hereby amended to include "A Townhouse Development"

SECTION 3. Section 5-6-2 of the Burley City Code is amended to add the following:

(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(B) of the Burley City Code is amended to include "Townhouse Developments"

SECTION 5. Section 5-6A-2 of the Burley City Code is amended to add:

(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(A) of the Burley City Code is amended to add: Townhouse Developments.

SECTION 7. Section 5-7-3 of the Burley City Code is amended to add:

(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 amended to add:

<p><u>14. Townhouse developments</u></p>	<p><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></p>
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SECTION 9. Section 5-2-1 of the Burley City Code is amended to add:

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.

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.

(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.

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

/s/
Steve Ormond – Mayor

ATTEST:

/s/
Ellen Maier - City Clerk

SURPLUS REAL PROPERTY CONTRACTS

City Administrator presented Council with bid forms for 759 Elba for \$12,000.00 and 611 Oakley for \$15,000.00. Council declared these as surplus on May 23rd and they were put out to bid with no responders. Mr. Mitton said he has now gotten an interested party that has executed a bid form and a contract to purchase both of them for the price the Council set.

A discussion followed with questions being answered.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve the sale of the real property, allow the Mayor to sign the real estate contract and authorize the Mayor to sign the closing documents.

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.

MOUNTAIN HEIGHTS SUB-DIVISION #3

City Engineer Bryan Reiter stated that this is a development off of Highland Avenue just North of 27th Street with paving, curb and gutter between the two streets. This is for a proposed 9 lot sub-division that basically connects Independent Street and Magnolia Street. He stated this has been reviewed and accepted by the technical review committee. They are recommending that Council approve the final plat and engineering drawing and allow the Mayor, City Clerk and City Engineer to sign it.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve the final plat, the engineering drawings and allow the Mayor, City Clerk and City Engineer 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 1372 APPROVAL EXCEPTION TO SEPARATE SEWER LINE REQUIREMENTS

City Attorney Dave Shirley said that the current requirement is that each building have its own sewer line to the city main line. This Ordinance will allow for an exception as follows: Where access to the public sewer would otherwise require cutting a paved public city road and the city has denied the request to cut the pavement due to the paved road surface being less than three-years-old, and boring beneath the road would also result in damage to the paved road surface when connecting to the existing sewer main, and no private sewer is available or can be constructed, the building sewer may be connected to an existing building sewer provided all requirements of the Idaho State Plumbing code (including but not limited to Section 721.2) are satisfied.

City Administrator Mark Mitton said this came about when the City put in Miller Street that was done less than two years ago. At the time Goode Motor Development Group bought property on the East side of the road for developing houses. The sewer line across from Standard Plumbing is on private property. The owner gave an easement for Standard Plumbing to go around the edge of the property to the man hole on the South end of Miller Avenue. A new shop has been constructed with no way of getting to the existing sewer.

Waste Water Supervisor Dee Hodge said the property owners will have to have their own agreement on who maintains their sewer line as outlined in the Idaho State Plumbing Code, because the City will only maintain the main lines.

It was stated that this is very rare, but needs to be allowed in certain cases. The property owners would need to enter into a legally binding agreement with each other that would allow them to jointly use the sewer line, (the agreement would need to be recorded) they would each pay the monthly sewer fee.

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 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.

City Dave Shirley then read Ordinance No. 1372 once by title only.

A motion was made by Council member Casey Andersen and seconded by Council member Jon Andersen to approve Ordinance No. 1372 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. 1372

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, AMENDING SECTION 8-7-5-4 OF THE BURLEY CITY CODE; PROVIDING AN ADDITIONAL EXCEPTION TO THE REQUIREMENT THAT A SEPARATE BUILDING SEWER SHALL BE PROVIDED FOR EVERY BUILDING; AND PROVIDING AN EFFECTIVE DATE.

EXPLANATION:

When provisions of this ordinance act to amend existing City Code Provisions the following apply:

Any additions to existing text in the City Code are identified by underlined text.

Any deletions to existing text in the City Code are identified by text with a ~~strikethrough~~.

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

SECTION 1. That 8-7-5-4 of the Burley City Code shall be amended as follows:

8-7-5-4: USE OF BUILDING SEWERS:

(A) A separate and independent building sewer shall be provided for every building; except:

(1) ~~Where one building is located at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer;~~ or

(2) Where access to the public sewer would otherwise require cutting a paved public city road and the City has denied the request to cut the pavement due to the paved road surface being less than three (3) years old, and boring beneath the road would also result in damage to the paved road surface when connecting to the existing sewer main, and no private sewer is available or can be constructed, the building sewer may be connected to an existing building sewer provided all requirements of the Idaho State Plumbing Code (including but not limited to Section 721.2) are satisfied.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Director of Wastewater Services, to meet all requirements of this chapter.

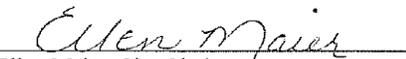
SECTION 2: Effective Date. This ordinance shall be in full force and effect immediately upon its passage, approval and publication of a summary of this ordinance.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR of the City of Burley, Idaho, this 7th day of April, 2020.


Hon. Steve Ormond, Mayor

(SEAL)

Attest:


Ellen Maier, City Clerk

POLE ATTACHMENT AGREEMENT WITH CENTURY LINK

Electrical Supervisor Brent Wallin said Century Link would like to enter into a pole attachment agreement identical to the agreement that Council approved with Zayo. They will be using four poles at the north end of Park Avenue to provide a new fiber line to Parkview Care and Rehabilitation.

A motion was made by Council member Jon Anderson and seconded by Council member Casey Andersen to allow the pole attachment agreement with Century Link.

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.

GOVERNOR'S STAY AT HOME ORDER

Council member Seely asked for a discussion on what the City of Burley's responsibilities are about enforcing the Governor's Stay at Home Order. The consensus of the Council was that the City is complying with what Governor Brad Little has asked the Cities to do. It was mentioned that the governor will have another conference call with elected officials on April 9th, and if further action needs to be taken it will be addressed then.

City Attorney Dave Shirley said that in talking with other City Attorney's they are going with the Governor's order and guidance on enforcing it is vague.

Mayor Ormond said that currently we need to be in line with what the Governor is doing and after the next meeting we might enhance or increase our regulations. He then gave an overview of cases in Idaho. He said as of April 6th Cassia County has 5 confirmed cases with 1 death, Twin Falls 53 cases - 1 death, Minidoka 3 cases – 0 deaths, Bannock 5 cases – 0 deaths, Blaine 423 cases- 2 deaths, Ada 419 cases – 3 deaths with the total in Idaho of 1170 cases with 13 total deaths. He asked everyone to focus on facts and not fear.

A motion was made by council member Casey Andersen and seconded by Council member Jon Anderson to adjourn the meeting at 8:19 P.M.

All "Aye."
Motion carried.

City of Burley

Mayor Ormond

ATTEST:

City Clerk