

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
April 16, 2019**

AGENDA

REGULAR SESSION AT 7:00 P.M.

CONSENT CALENDAR

1. ACTION ITEM 1.a through c. Items on the Consent Calendar are considered to be routine and enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a member of the Council. Any request shall be made after the Consent Calendar is read and before action is taken.

a. APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS

b. BILLS PAYABLE \$1,123,469.47.

c. PAYROLL ENDING ON 3/29/19 FOR \$323,542.07.

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|-------------------------------|--|---------------|
| 2. <u>ACTION ITEM</u> | 2 nd Annual Family Freedom Fest on August 3 rd | Gayle Dickson |
| 3. <u>ACTION ITEM</u> | Transfer of Airport Entitlements | Mark Mitton |
| 4. <u>ACTION ITEM</u> | Mid-Year Budget Review | Mark Mitton |
| 5. <u>ACTION ITEM</u> | Approval of Temporary Animal Control/Code Enforcement Position | Mark Mitton |
| 6. <u>ACTION ITEM</u> | Golf Restaurant Operation | Mark Mitton |
| 7. <u>ACTION ITEM</u> | Proclamation Declaring May as Mental Health Month | Mayor Ormond |
| 8. <u>ACTION ITEM</u> | Award of Fuel Bid & Approval of Credit Application | Mark Mitton |
| 9. <u>ACTION ITEM</u> | Weed Control Ordinance No. 1359 | Mark Mitton |
| 10. <u>ACTION ITEM</u> | Purchase of Used Sludge Dryer | Dee Hodge |
| 11. <u>ACTION ITEM</u> | Agreement to Lease Water From City of Pocatello | Dave Shirley |

Information Items

BUILDING PERMITS:

Dennis Dayley	1542 Overland	Alteration	\$ 25,000.00
Nolan Peterson	834 Normal	Single Family	\$110,000.00
Tracy Morey	219 E 3 rd St N	Addition	\$ 25,000.00

1st Quarter Treasurer's Report: The report can be viewed on the City of Burley's website.

New Hires:

Jasper Moser	Street	Street Worker	\$18.00 Per/HR
Brenna Fuentes	Electric	Department Secretary	\$16.22 Per/HR

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**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
April 16, 2019**

COMMENCE MEETING

Council met in regular session at 7:00 p.m. with Mayor Ormond presiding. Council members present were Randy Hawkins, John Craner, Casey Andersen, Russell Mallory, Bryce Morgan and Jon Anderson.

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Attorney Dave Shirley, Sexton Dave Allred, Waste Water Treatment Director Dee Hodge, Engineer Bryan Reiter, Fire Chief Shannon Tolman, Parks Supervisor Brent Winn, Librarian Julie Woodford, Golf Pro Scott Draper, Engineer David Waldron and Deputy George Warrell.

INVOCATION

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

CONSENT CALENDAR

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 - a.** **APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS**
 - b.** **BILLS PAYABLE \$1,123,469.47.**
 - c.** **PAYROLL ENDING 3/29/19 FOR \$323,542.07.**

Information Items

BUILDING PERMITS:

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Nolan Peterson	834 Normal Ave	Single Family	\$110,000.00
Tracy Morey	219 E 3 rd St N	Addition	\$ 25,000.00

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

Roll Call Vote.

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

2nd ANNUAL FAMILY FEEDOM FEST ON AUGUST 3RD

Gayle Dickson representing the Veterans of Foreign War Auxiliary said they would like to hold their second annual festival on August 3rd from 10 a.m. to 4 p.m. It will be in conjunction with the National Guards open house. She thanked Mayor Ormond for taking part in the celebration last year and said they have decided to make it an annual event. As in the past they will have games for the kids, bounce house, information booths from different military organizations, vendors, and new this year, crafters. She asked Council for permission to use South Freedom park, use the stage and arrange for garbage cans like they did last year.

A motion was made by Council member Jon Anderson and seconded by Council member Casey Andersen to allow the use of the park, provide garbage containers on the same basis we did last year and allow the stage to be used.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

TRANSFER OF AIRPORT ENTITLEMENTS

City Administrator Mark Mitton said that the Minidoka and Cassia Commissions met again yesterday about the airport. He said he thinks they agree it needs to go forward and are asking questions about the process and the funding. He stated they could look at an alternative of a special district. Mr. Mitton said because we cannot use our entitlements the State has requested that we transfer them to City of Nampa for \$200,000.00, County of Bonner for \$150,000.00, City of Gooding for \$140,000.00 and City of Driggs for \$100,000.00. Mr. Mitton said he would like to contact the FAA and see if they want to do an appraisal on the existing airport so we can get that transaction done and receive the money for it to go into the future project. He asked Council to approve the transfers contingent on Mr. Mitton contacting the FAA and getting an answer whether we can start that process now and if we need to use some of this money for that.

A discussion followed.

A motion was made by Council member Craner and seconded by Council member Jon Anderson to approve the transfers subject to Mr. Mitton contacting the FAA to see if we need to keep some of the money for an appraisal.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

MID-YEAR BUDGET REVIEW

City Administrator Mark Mitton presented Council with the mid-year budget review. Mr. Mitton briefly gave an overview of the budget asking Council to review it and call him with any questions. He stated the general fund cash is a little low because we have paid \$650,000.00 for the fire engine and have not gotten the loan yet. We will do this before the fiscal year end closes so we can see if there is additional money available to lower the loan amount. He said all revenues in the general fund are as expected for this time of year. He went through each department stating everything looks good with no unexpected expenses for this time of year. It was mentioned that we have applied for Volkswagen penalty money through the State for two new sanitation trucks and two new sweepers, but have not heard back if we will receive any money.

APPROVAL OF TEMPORARY ANIMAL CONTROL/CODE ENFORCEMENT POSITION

City Administrator Mark Mitton said Dennis Dexter our Code Enforcement Officer has retired and Forrest Sprague our Animal Control Officer is retiring in November so we need to get someone hired and trained for this combined position. He said this will be a temporary full time position until the Animal Control Officer retires. Mr. Mitton asked Council to approve the temporary position for \$33,800.20. He said Mr. Dexter worked 24 hours per week and we will use that money for part time help to clean the shelter and that there is money in salary savings in the general fund to fund this temporary position.

A motion was made by Council member Morgan and seconded by Council member Mallory to approve the temporary animal control/code enforcement position.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

GOLF RESTAURANT OPERATION

City Administrator Mark Mitton said that we have put out an ad and have had inquiries from people that are interested in running the kitchen at the golf course. He said because we have the other RFP for the whole golf course coming out that also includes the food services, this could just be a one-year thing ending when the season ends. Mr. Mitton said the way we can make it work this year is interview them and hire them through a temp agency. Most of those that inquired have their food service certifications.

A discussion followed on giving tips and a bonus, who would interview them, how many people we would need and at what point they take the raise away from Mr. Draper.

PROCLAMATION DECLARING MAY AS MENTAL HEALTH MONTH

Mayor Steve Ormond stated that he was contacted by Magistrate Judge Mick Hodges stating that Burley will host a mental health awareness event and asked the City of Burley to show support by passing a proclamation declaring May as Mental Health Month. Mayor Ormond asked Council to pass a proclamation declaring May 2019 as Mental Health Month.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to pass a proclamation declaring May as Mental Health Month.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

AWARD OF FUEL BID & APPROVAL OF CREDIT APPLICATION

City Administrator Mark Mitton said we went out for bid for gas and diesel and presented Council with the results. He stated we received bids from Pilot Thomas Logistics, Mr. Gas and Adams Petroleum. He said the bid was for cents per gallon over rack price with Pilot Thomas Logistics being the low bidder of .05 cents per gallon over rack price.

A motion was made by Council member Morgan and seconded by Council member Mallory to approve the bid to Pilot Thomas for .05 cents per gallon over rack price, approve the contract and approve the credit application subject to the City Attorneys approval.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

WEED CONTROL ORDINANCE NO. 1359

City Administrator Mark Mitton said we have been working with the County to control noxious weeds and agreed that the Ordinance on Weeds needs to be updated so we can better move through the process on weed control. He presented Council with Ordinance No. 1359 for their discussion and approval if they do not want to make changes. He stated the Ordinance defines noxious weeds classified by the State and the maximum height of grass or weeds. This will change the penalty from a misdemeanor to an infraction which will help speed up the process. Mr. Mitton stated this Ordinance is similar to what the City of Twin Falls and Kimberly has.

A discussion followed.

A motion was made by Council member Morgan and seconded by Council member Craner to dispense with the rule requiring three separate readings and read Ordinance No. 1359 once by title only.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

City Administrator Mark Mitton read Ordinance No. 1359 once by title only.

A motion was made by Council member Morgan and seconded by Council member Mallory to approve Ordinance No. 1359 and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

ORDINANCE NO. 1359

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, AMENDING CHAPTER 8, TITLE 10 OF THE BURLEY CITY CODE; DECLARING CONDITIONS DEEMED TO BE NUISANCES; CLARIFYING AND PROVIDING REQUIREMENTS OF OWNERS, TENANTS AND OCCUPANTS OF LAND WITHIN THE CITY TO CONTROL WEEDS AND PLANTS; ESTABLISHING FINES AND INFRACTION PENALTIES FOR FAILING TO COMPLY WITH THE WEED AND PLANT GROWTH CONTROL REQUIREMENTS; PROVIDING FOR NOTICE OF SEVEN (7) DAYS TO CORRECT VIOLATIONS; PROVIDING PROCEDURE AND AUTHORITY FOR THE CITY TO CUT AND/OR DESTROY WEEDS AND OTHER PLANT GROWTH AT THE EXPENSE OF THE OWNER, LESSEE, TENANT OR OCCUPANT FAILING TO COMPLY WITH THE WEED CONTROL REQUIREMENTS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. Chapter 8 of Title 10 of the Burley City Code is hereby amended as follows:

10-8-1: DESTRUCTION OF WEEDS REQUIRED:

- (A) Every person or entity, either as owner, tenant, lessee or occupant of any lot, land or premises within the corporate limits of the City shall, at all times and continuously during each year, destroy, cut down, weed out and obliterate all weeds, noxious weeds, weedy grasses and growths growing or starting to grow, and shall not allow any area of lawn to become overgrown or weed infested, on any such lot, land or premises. Said lot, land or premises shall include any publicly maintained easement or right of way located within the lot, land or premises, and from any easement or right of way running or lying immediately adjacent or contiguous to such lots, lands or premises to the curb line, or to the publicly maintained area of any street or alley in the absence of a curb.
- (B) Every person or entity, either as owner, tenant, lessee or occupant of any lot, land or premises within the corporate limits of the city shall maintain, mow and cut any weeds, grass and any other plant growths on the lot, land or premises to keep the weeds, grass and plant growths to no more than six inches (6") high.

(C) Noxious weeds shall include, but not be limited to, the following: Buffalo bur, Canada Thistle, Diffuse Knapweed, Dyer's Woad, Field Bindweed, Hoary Cress, Leafy Spurge, Mush Thistle, Perennial Pepper weed, Perennial Sow thistle, Poison Hemlock, Puncture vine, Rush Skeleton weed, Russian Knapweed, Scotch Thistle, Spotted Knapweed, Yellow Star thistle, Yellow Toadflax.

(D) The terms "weed," "grass" and "plant growth" in this section do not include vegetation that constitutes an agricultural crop, cultivated vegetable garden plants, or cultivated decorative landscaping and trees, unless that vegetation is a fire, health, or traffic hazard.

(A)(E) The failure to cut, weed out, destroy, and obliterate weeds, grass and plant growths as provided for in this chapter, is declared to be a public nuisance, detrimental to the public health, safety and welfare.

10-8-2: DESTRUCTION BY CITY, CHARGES:

In case of failure or neglect of any such owner, tenant, lessee or occupant to destroy, cut down, destroy and obliterate noxious weeds, or to maintain, mow and cut any weeds, grasses and plant growths in or on any and all such lots, lands or premises so owned, leased or occupied by such person in the manner prescribed by and in accordance with the provisions of section 10-8-1 of this chapter, the City mayor or administrator shall cause to be served on such agent, owner, tenant, lessee and/or occupant a notice, describing the property with convenient certainty by its legal description or by the street number of the house, requiring such owner, lessee, tenant and/or occupant to destroy any noxious weeds and/or cut said weeds, grass, and/or plant growths within seven (7) days from the service thereof, or that the City will require the same to be done, and the cost thereof charged as a lien against said property.

Such notice shall be served upon such owner, lessee, tenant and/or occupant in person if found upon said premises or within the City, and in case said owner, agent, and/or occupant cannot be found in person within the City after reasonable diligence and inquiry, such notice shall be posted in a conspicuous place upon said premises, and a copy thereof mailed to the last known post office address of such owner, lessee, tenant, or occupant, as shown on the records of the Cassia County Assessor's office, by certified mail; and if at the end of seven (7) days from the giving of such notice, such owner, lessee, tenant, and/or occupant has failed and neglected to cut and/or destroy such vegetation, the City Administrator or other officer of the City shall cause the same to be done and shall file with the Council a statement of the expenditure occasioned thereby.

~~Every person owning or occupying any lots, lands or premises situated within the corporate limits of the city shall keep continuously destroyed, weeded out, cut down and obliterated all such deleterious, unsightly and injurious weeds and noxious weeds, grasses and growths in or on any and all such lots, lands or premises so owned or occupied by such person in the~~

~~manner prescribed by and in accordance with the provisions of section 10-8-1 of this chapter and i]n the event that such deleterious, unsightly and injurious weeds, and noxious weeds, grasses and plant growths are not so continuously maintained, cut, mowed, destroyed, weeded out, cut down and/or and obliterated within seven (7) days of service or of posting and mailing as provided above, the mayor or administrator may and council shall cause through its duly authorized personnel, such deleterious, unsightly and injurious weeds, and noxious weeds, grasses and plant growths to be cut down, weeded out and or destroyed at the expense of the owner. and tThe costs and expenses of such destruction in cutting down, weeding out and obliterating the same shall in the event of nonpayment for thirty (30) days be assessed against such property, as general taxes, and collectable as other general state, county and municipal taxes as provided by Idaho Code sections 50-317 and 50-1008. Before the costs and expenses of such destruction shall become a lien against the property, the city administrator shall notify, in writing, the owner of any such lot, place or area within the city, or the agent of said owner, to cut, destroy and/or remove any such weeds, grasses or deleterious, unhealthful growth or other noxious matter found growing, lying or located on such property. Such notice shall be by certified mail addressed to said owner or agent at the owner's last known address. In addition, the notice shall be posted on the lot(s) for ten (10) days. Upon the failure, neglect or refusal of any owner or agent so notified to cut, destroy and/or remove weeds, grasses or deleterious, unhealthy growth or other noxious matter growing, lying or located upon the owner's property within ten (10) days after the posting and receipt of written notice, or within ten (10) days after the date of such notice, in the event the same is returned to the city because of the inability to make delivery and provided that the same was properly addressed to the last known address of the owner or agent, that in such event the city engineer is hereby authorized and empowered to commence cutting, destroying or removing such weeds, grasses or deleterious, unhealthful growth or other noxious matter or to order the removal by the city. The costs of such removal, destruction or cutting shall be in an amount established by a resolution adopted by the Burley city council for the destruction of weeds in the city as provided in this chapter. Such fees may be certified by the city treasurer to the county treasurer under the provisions of Idaho Code sections 50-317 and 50-1008. The remedies provided for in this Section 10-8-2 shall be in addition to, and not a prerequisite for, all other remedies available to the City.~~

10-8-3: AUTHORITY TO EMPLOY LABOR:

The mayor and city council are hereby given the power and authority to employ such labor or contract for such labor as is necessary to carry out the provisions of this chapter.

10-8-4: PENALTY:

~~Any person owning or occupying any lots, lands or premises within such incorporated limits of the city who shall fail, refuse or neglect to continuously keep weeded out, cut down, obliterated or destroyed all such deleterious, unsightly and injurious weeds and noxious weeds, grasses and growth above named in the manner prescribed, and according to the provisions of this chapter, shall be deemed guilty of a misdemeanor. Each and every day any such person shall fail, refuse or neglect to comply with the provisions of this chapter shall constitute a separate and distinct offense against the provisions of this chapter, and each of such separate offenses shall be punishable.~~

A. In the event any owner, tenant, lessee or occupant of a lot, land or premises within the limits of the City fails to comply with the requirements of this Section 10-8-1 of this Code, the City shall first serve upon an owner, tenant, lessee or occupant of said property a notice of violation and opportunity to correct. Said notice shall be personally served or posted and mailed as described in Section 10-8-2 of this Code, and shall provide said owner, tenant or occupant seven (7) days to correct the violation of this chapter. The City is not required to provide an owner, tenant, lessee or occupant of said property in violation of this chapter more than one notice of violation and opportunity to correct in any calendar year. In the event the violation is not corrected within said seven (7) day period, the owner, tenant or occupant upon which a notice of violation and opportunity to correct has been served shall be guilty of an infraction and shall be guilty of a separate additional infraction for each day thereafter that violation continues. In the event that the violation is not corrected within said seven (7) days and service was made by posting and mailing, the owner of the property shall be guilty of an infraction and shall be guilty of a separate infraction for each day thereafter that the violation continues. The fines for said infractions are as follows:

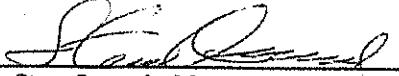
1. The first violation in any calendar year shall result in a fine of one hundred dollars (\$100.00);
2. The second violation in any calendar year shall result in a fine of one hundred fifty dollars (\$150.00); and
3. The third violation and each violation thereafter in any calendar year shall result in a fine of two hundred fifty dollars (\$250.00).

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

PASSED _____

APPROVED _____

CITY OF BURLEY



Steve Ormond - Mayor

ATTEST:



Ellen Maier - City Clerk

PURCHASE OF USED SLUDGE DRYER

Waste Water Treatment Director Dee Hodge said that since the fire in January they have realized that they have a bottleneck in the treatment system of handling of the bio-solids. He stated that they spend about \$10,000.00 a month in landfill and tipping fees disposing of the waste. He said since the fire they have had to use the two dump trucks they have at the industrial plant where they usually spend their time hauling those bio-solids and start hauling from the municipal plant. Mr. Hodge said that there is a used dryer in Florida that he went and looked at. He presented Council with a condensed version of the inspection report on the dryer and a proposed drawing for a new building consolidating our current dryer and the new dryer so everything could be in one building. He stated that we could get this dryer and not use it right away. It was bought new and used in an application that they were told by the company that it would not work. It was then bought by a rancher that was going to dry feed and he has had it in storage since he bought it. He said the estimated cost for purchasing the dryer, having it shipped, A.I.T services putting it together, wiring it, rewriting the programing etc... would be close to one million dollars, where a new dryer is 1.8 million dollars. Mr. Hodge said if we purchased the dryer we would not have to get it installed right away. It was mentioned that we have applied for a grant and because it is a green project we could possibly get up to \$200,000.00. Mr. Mitton stated that the pipeline project that was budgeted for will not get done so there is money for the sludge dryer.

A discussion followed.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve initial negotiations for a used sledge dryer starting at \$300,000 and going up to \$400,000.00.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

AGREEMENT TO LEASE WATER FROM CITY OF POCATELLO

City Attorney Dave Shirley presented Council with a water rights lease agreement between the City of Pocatello and the City of Burley. He stated that Council has seen it before and nothing has changed. It is to lease 599.2 acre feet for a total of \$18,754.96 per year.

A motion was made by Council member Casey Andersen and seconded by Council member Hawkins to sign the lease agreement with the City of Pocatello and allow the Mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

Golf Pro Scott Draper said that the promotional event that was approved will not be able to be held this year, but will revisit it next year.

Parks Supervisor Brent Winn said that we received a donation so they will be adding a fence at the entrance of the golf course.

City Administrator Mark Mitton said the BDA would rather do an improvement to the entrance of the golf course instead of donating to the proposed tournament. Also the North Freedom Park Trout Party will be held June first.

Councilmember Jon Anderson said the Highway Department Superintendent from Shoshone is retiring in June and asked if we could send a letter thanking him for his service. He also asked how the repairs on the helicopter are coming.

Council member Casey Andersen said he had a water leak and the city was really good to work with on that.

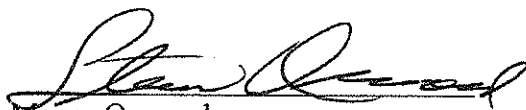
A representative from Mr. Gas thanked the City of Burley for the last 15 years and asked that we consider using local fuel suppliers not ones from out of town.

A motion was made by council member Casey Andersen and seconded by Council member Mallory to adjourn the meeting at 8:40 P.M.

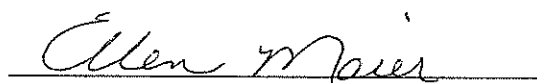
All "Aye."

Motion carried.

City of Burley


Mayor Ormond

ATTEST:


City Clerk