

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
April 19, 2022**

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 \$357,864.51.

c. PAYROLL ENDING ON 4/8/22 FOR \$233,697.90.

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|-------------------------------|---|-----------------|
| 2. <u>ACTION ITEM</u> | Idaho Regatta Annual Report | Louis Schindler |
| 3. <u>ACTION ITEM</u> | Burley Farmers Market | Lacie Robinson |
| 4. <u>ACTION ITEM</u> | Change Council Date to May 18 th Due to Election | Ellen Maier |
| 5. <u>ACTION ITEM</u> | Broadband RFP | Mark Mitton |
| 6. <u>ACTION ITEM</u> | Closure of North 4 th Street | Mark Mitton |
| 7. <u>ACTION ITEM</u> | LID for 7 th Street | Mark Mitton |
| 8. <u>ACTION ITEM</u> | Bird Scooters Memorandum of Understanding | Mark Mitton |
| 9. <u>ACTION ITEM</u> | South Hills Subdivision Approval Extension | Bryan Reiter |
| 10. <u>ACTION ITEM</u> | Glacier Park Phase 6 | Dave Waldron |
| 11. <u>ACTION ITEM</u> | Contract with Dee Hodge | Mark Mitton |
| 12. <u>ACTION ITEM</u> | Airport Discussion | Casey Andersen |
| 13. <u>ACTION ITEM</u> | Pole Attachment Agreements | Brent Wallin |
| 14. <u>ACTION ITEM</u> | Pole Attachment Fees | Brent Wallin |

15. Report and Discussion of Recent City Events

Information Items

BUILDING PERMITS:

Frank Warr	339 N Burton	Addition	\$ 46,768.00
Adam Howes	2441 Dorchester Ave	Single Family	\$150,000.00
Adam Howes	2451Dorchester Ave	Single Family	\$150,000.00

2ND Quarter Treasurer's Report: The report can be viewed on the City of Burley's website.

City Hall is accessible to persons with disabilities. Any person with disabilities desiring accommodation for the City Council meetings, please contact City Hall at 878-2224 at least 48 hours prior to the meeting.

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
April 19, 2022**

COMMENCE MEETING

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

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Attorney Dave Shirley, Wastewater Treatment Director Dustin Raney, Engineer Dave Waldron, Engineer Bryan Reiter, Electrical Supervisor Brent Wallin, Librarian Tayce Robinson, Shop Supervisor Rick Garner, Airport Manager Kevin Gebhart and Human Resource Carol Anderson.

INVOCATION

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

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 - a. **APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS**
 - b. **BILLS PAYABLE \$357,864.51.**
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2ND Quarter Treasurer's Report: The report can be viewed on the City of Burley's website.

A motion was made by Council member Hansen 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	Bryce Morgan	Aye
		Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

IDAHO REGATTA REPORT

Louis Schindler representing the Idaho Regatta stated that they will be holding the races this year June 23 through the 26th. He said that due to a fatality in Long Beach there will be a change in rules so they might get a few less participants this year. Mr. Shirley stated that he would work with Mr. Schindler on the Parks Use Agreement.

BURLEY FARMERS MARKET

Lacie Robinson stated that the farmer's market has changed hands and they are now a 501C3 non-profit group. The board of directors are Lacie Robinson-director, Katie Petersen, Olivia Larson, Jill Brown, and Courtney Dile. They stated it will still be held at the Cassia County Fairgrounds on June 23, July 7 and 21st, August 4th and 25 September 8th and 15th from 4 to 8 PM. They said they would like to focus on produce and anything homemade and homegrown. They asked for the continued support from the sanitation department. The mayor stated that they could count on it.

CHANGE COUNCIL DATE TO MAY 18TH DUE TO ELECTION

City Clerk Ellen Maier asked council to change the council meeting date from May 17th to May 18th due to the election.

A motion was made by Council member Morgan and seconded by Council member Andersen to change the council meeting date to May 18th.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
		Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

BROADBAND RFP

City Administrator Mark Mitton told council that he recommends that we use the SLFRF money (2.3 million dollars) to install our own broadband network throughout the city. He presented council with an RFP asking for proposals. He stated the city would own the fiber. The proposal is for someone to build the network and lease it back to the successful bidder to operate it for the city. Mr. Mitton said he would like to advertise it May 10th and have everything started by September 1st. A discussion followed by council. Mr. Mitton will make a few changes to the RFP and bring it back to council at the next meeting.

CLOSURE OF NORTH 4TH STREET

City Administrator Mark Mitton stated that ITD will be rebuilding Overland Avenue from the freeway to Main Street. He stated that a few years ago we wrote a letter to ITD asking to have 4th Street closed to cross traffic. Mr. Mitton asked if council would still like that street closed to cross traffic.

A motion was made by Council member Andersen and seconded by Council member Morgan to allow the mayor to sign a letter to ITD asking to have 4th Street closed to cross traffic.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
		Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

LID FOR 7TH STREET

City Administrator Mark Mitton stated that there are two houses that were put in around fifteen years ago on West 7th Street. The developer that bought those two lots did not finish the work and there was no bond to hold him to. There is currently curb and gutter no base and a deep hole. The property to the north is starting to develop and would like to use an LID to do the curb, gutter, sidewalk, and asphalt. The section of seventh street would have to be finished and would not be the responsibility of the new developer. Mr. Mitton said we would ask the two homeowners to participate in the LID and if they say no the council will have to decide if they will make them participate. He said the city would take in the base rock and make it as cheap as possible for those two homeowners. This will be brought back in the future as the project advances.

BIRD SCOOTERS MEMORANDUM OF UNDERSTANDING

Caroline Fraher representing Bird Scooters stated they were founded in 2017 and are operating in over four hundred cities. The scooters are placed around town and are operated by the Bird Downloadable application. The customer would create a profile, complete a safety tutorial, scan the scooter’s code, and could ride within the boundaries of the city’s designated operating zones. It would cost the rider one dollar to unlock the scooter and 35 to 45 cents per minute to use it. They will have a local manager that will deploy, rebalance, clean, maintain vehicles, and provide on-the-ground support. This would be at no cost to the city. City Attorney Dave Shirley said that he has a list of concerns and said that he would check with other cities that use them and see what they did about those issues. A discussion followed about gross negligence and other questions being asked by the council.

SOUTH HILLS SUBDIVISION APPROVAL EXTENSION

Engineer Bryan Reiter said that in May 2021 council approved South Hills Estates for a conditional approval. It is almost done with paving scheduled for next week. The code specifies the plat has to be recorded within one year from the date it was signed, or it becomes invalid. It will be close to that time, but the developer thought as precaution they would like to extend it. Mr. Reiter suggested a six-month extension on the conditional approval.

A motion was made by Council member Morgan and seconded by Council member Andersen to approve a six-month extension on the conditional approval to give them time to get the pavement completed and the plat filed.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
		Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

GLACIER PARK PHASE 6

Engineer Dave Waldron stated the developer is ready to proceed with the improvements of Glacier Park phase six and has asked for a conditional approval. For this particular project, the subdivider wishes to proceed with the construction of the required public improvements prior to receiving final plat approval by the City Council. Mr. Waldron recommends the Council grant a Conditional Approval of the construction plans and specifications and the final plat subject to the following conditions:

1) Public improvements contained in the Title 6 of the City Code and depicted on the construction plans and specifications shall be completed by the subdivider.

2) Prior to printing the mylar, all owner's names are to be corrected and updated, extend the PUE into both open space lots (Block 6 Lot 7 and Block 1 Lot 76), rename block 6 Lot 2 to Lot 1, in the Owner's Dedication, change Zion Drive to Zion Street, and move the north gate valve at the intersection of Glacier Drive and Great Basin Way to the end of the watermain on Glacier Drive.

3) An original mylar of the final plat shall be provided to the City. All signatures, with the exception of the Cities and the County Treasurer, shall be contained on the mylar.

4) The City Council must verify completion of the construction of public improvements and approve City signatures on the final plat.

5) Conditions 1-4 must be completed, and the final plat shall be filed with the County Recorder within one year after written approval by the Council, otherwise, such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the Council.

A motion was made by Council member Morgan and seconded by Council member Seely to approve the final plat with the noted contingencies.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
		Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

CONTRACT WITH DEE HODGE

City Administrator Mark Mitton stated that Dee Hodge will provide our level four backup operator services for the wastewater plant after her is retired. The contract presented allows this to be paid through payroll to eliminate the liability insurance issues. It is for \$1500.00 per month to be on call as the backup operator.

A motion was made by Council member Morgan and seconded by Council member Andersen to approve the contract with Dee Hodge as backup level four wastewater operator.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
		Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

AIRPORT DISCUSSION

City Administrator Mark Mitton stated the plane that crashed on top of the Gem State Processing building was due to dangerous weather. She came in and missed the landing circling back around coming in to low hitting the exhaust stack on the far north side of Gem State Processing flipping over and landing on the roof of Gem State Processing, unfortunately killing the pilot. He mentioned that a few minutes later the snow had cleared, and visibility was then clear. Mr. Mitton said this does emphasize the need for a new airport. Recently the Governor fixed the bill from last year allowing us to close out urban renewal areas one and three. Mr. Mitton said this has allowed him to start working with the FAA again. Currently there is \$359,000.00 dollars in the annual allocation for the airport and another \$159,000.00 in September. We will use our own money to do the feasibility study and can be reimbursed from our allocated money when the project is finished. There will be a resolution and a scope of work at the next meeting for approval. A discussion followed. It was stated that due to safety issues we are at the top of the priority list.

POLE ATTACHMENT AGREEMENTS

Electrical Supervisor Brent Wallin presented council with three pole attachment agreements for their approval. These agreements are for fiber. He mentioned that LXI Clec LLC has the fiber that runs to the schools and Family Health Services and has a contract with us that is up for renewal. He asked council to approve an agreement with LXI Clex LLC, TDS Metrocom and FyberCom LLC.

A motion was made by Council member Morgan and seconded by Council member Seely to approve the pole attachment agreements with LXI Clec LLC, TDS Metrocom and FyberCom LLC and allow the mayor to sign them.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
		Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

POLE ATTACHMENT FEES

Electrical Supervisor Brent Wallin stated that Mr. Mitton is putting together a list of fee increases, and these fees will be addressed on that list.

REPORT AND DISCUSSION OF RECENT CITY EVENTS

Mayor Ormond said that it was brought to his attention by a caregiver that we have a celebration coming up April 21st for Naomia Bliss, who will be celebrating her 100th birthday. Mayor Ormond said we would like to congratulate her and wish her well.

Mayor Ormond stated that May 14th will be the city-wide clean-up day.

Electrical Supervisor Brent Wallin mentioned that the CGI banners are now being hung around the city.

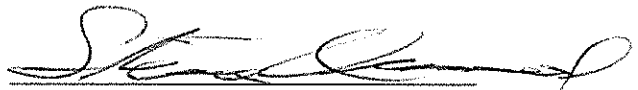
City Administrator Mark Mitton said that the fee increases for building permit fees, pole attachment fees along with fixing the engineering fees and other fees. These fees will be brought before council in the near future.

A motion was made by council member Andersen and seconded by Council member Morgan to adjourn the meeting at 8:37 P.M.

All "Aye."

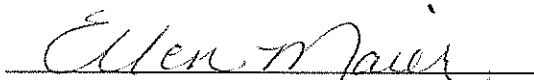
Motion carried.

City of Burley



Mayor Ormond

ATTEST:


City Clerk