

**REGULAR BURLEY CITY COUNCIL MEETING**  
**CITY HALL**  
**1401 Overland Avenue**  
**Burley, Idaho**  
**April 20, 2021**

**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 \$245,992.03.**
  - c. PAYROLL ENDING ON 4/9/21 FOR \$215,170.33.**
- 2. ACTION ITEM** Change Council Date to Wed May 19<sup>th</sup> Due to Election and to Monday June 14<sup>th</sup> Due to AIC Meetings in Boise Ellen Maier
- 3. ACTION ITEM** Cassia County School District Lease Mark Mitton
- 4. ACTION ITEM** Transfer of Entitlements to Nampa Mark Mitton
- 5. ACTION ITEM** Annexation of Real Property within the East Half of the SW1/4 of Section 28 in T10S R23E BM (Funk-Hidden Hills) Bryan Reiter
- 6. ACTION ITEM** Special Use of Parks Agreement with Idaho Water Sports Brent Winn
- 7. ACTION ITEM** 2021 Asphalt Contract Mark Mitton
- 8. ACTION ITEM** Hangar Lease at Airport Mark Mitton
- 9. ACTION ITEM** Application to Idaho Bond Bank for Refinancing Mark Mitton
- 10. ACTION ITEM** Discussion of Tree Exchange with Teton Trees Brent Winn
- 11. ACTION ITEM** Engineering Agreement with HDR for Work on the IWTP Biogas System Dee Hodge
- 12. ACTION ITEM** Waste Water Standard Operating Procedure Dee Hodge
- 13. ACTION ITEM** Award BLM Water Line Extension to Extreme Excavation Dave Waldron
- 14. ACTION ITEM** Broadband Lease with ETS Mark Mitton
- 15.** Report and Discussion of Recent City Events

**Information Items**

**BUILDING PERMITS:**

TKO Custom Homes	2428 Great Basin Way	Single Family	\$163,455.00
TKO Custom Homes	2437 Great Basin Way	Single Family	\$119,935.00
Cody Bowers	659 Albion Ave 1-2-3	Multi-Family	\$270,000.00
David Price	2429 Raven Avenue	Single Family	\$189,000.00
David Price	2419 Raven Avenue	Single Family	\$181,000.00
Victor Rodriguez	1837 Bennett	Garage Addition	\$ 12,201.75
Benito Rosales	1230 Hansen Ave	Patio Cover	\$ 20,000.00

**2<sup>nd</sup> 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 20, 2021**

**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, Sexton Dave Allred, Waste Water Treatment Director Dee Hodge, Economic Development Specialist Doug Manning, Engineer Dave Waldron, Engineer Bryan Reiter, Fire Chief Shannon Tolman, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn, Human Resource Carol Anderson and Sheriff George Warrell.

**INVOCATION**

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

**CONSENT CALENDAR**

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  - b. **BILLS PAYABLE \$245,992.03.**
  - c. **PAYROLL ENDING 4/9/21 FOR \$215,170.33.**

**Information Items**

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**3<sup>rd</sup> Quarter Treasurer's Report:** The report can be viewed on the City of Burley's website.

A motion was made by Council member 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.

### **CHANGE COUNCIL DATE TO WEDNESDAY MAY 19<sup>TH</sup> DUE TO ELECTION AND TO MONDAY JUNE 14<sup>TH</sup> DUE TO AIC MEETINGS IN BOISE**

City Clerk Ellen Maier asked Council to change the Council meeting from Tuesday May 18<sup>th</sup> to Wednesday May 19<sup>th</sup> because of the election being held in the council room on the 18<sup>th</sup>. The election workers like to set up the room on Monday the 17<sup>th</sup>. Also Council needs to meet on Monday June 14<sup>th</sup> instead of Tuesday June 15<sup>th</sup> because some Council members will travel to Boise on Tuesday night for the annual AIC meeting.

A motion was made by Council member Jon Anderson and seconded by Council member Casey Andersen to change the two dates from regular council to special council meetings.

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.

### **CASSIA COUNTY SCHOOL DISTRICT LEASE**

City Administrator Mark Mitton said the city owns a piece of property at the service center that we do not use. The school district would like to lease this from the city to store their sand and gravel on. They can access the property by the gate on 16<sup>th</sup> street. The lease is for \$500.00 per year starting April 1, 2021 and ending March 31, 2026. He stated that Mr. Shirley has reviewed the lease.

A motion was made by Council member Morgan and seconded by Council member Hansen to approve the lease with the school district 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.

## **TRANSFER OF ENTITLEMENTS TO NAMPA**

City Administrator Mark Mitton asked Council to approve the transfer of entitlements to the Nampa Municipal Airport in the amount of \$12,661.00. Mr. Mitton said we cannot use the money because the FAA will not allow us to do a project. The State Office of Aeronautics asked if we would allow this transfer.

A motion was made by Council member Jon Anderson and seconded by Council member Morgan to allow the transfer of the entitlements for the airport to Nampa 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.

## **ANNEXATION OF REAL PROPERTY WITHIN THE EAST HALF OF THE SW1/4 OF SECTION 28 IN T10S R23 BM (FUNK-HIDDEN HILLS)**

Engineer Bryan Reiter stated that LeRoy Funk requested this annexation. The property is south of the Pleasantview Cemetery and in between the Mountain Heights and Hiland Heights subdivision on one side and on the other is the property the city owns. It consists of 76.66 acres. Mr. Reiter said that we have the recorded Consent to Annexation in the Clerk's office.

A motion was made by Council member Craner and seconded by Council member Morgan to dispense with the rule requiring three separate readings and read Ordinance 1377 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.

Mr. Reiter then read Ordinance No. 1377 once by title only.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to accept Ordinance No. 1377 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.

Instrument # 2021002190  
BURLEY, CASSIA, IDAHO  
4-26-2021 10:12:27 AM No. of Pages: 6  
Recorded for : CITY OF BURLEY  
JOSEPH LARSEN Fee: 0.00 EV  
Ex-Officio Recorder Deputy  
Index to: ORDINANCE

ORDINANCE NO. 1377

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

PREAMBLE

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

WHEREAS the owner of the parcel has requested annexation and provided consent by written documents submitted to the City Council of the City of Burley, incorporated into the minutes of the regular meeting of the Burley City Council held April 20, 2021;

NOW, THEREFORE:

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

Section 1. The following described real estate in Cassia County, Idaho, shall be and the same is hereby annexed to the City of Burley:

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

Section 2. The annexed real property shall be subject to all the statutes pertaining to the City of Burley and all ordinances, resolutions, police regulations, taxation and all other powers of the City of Burley.

Section 3. The land use classification of the real property shall remain as it was classified

immediately before annexation.

Section 4. The City Engineer is hereby directed to lodge and file with the City Clerk within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the property annexed.

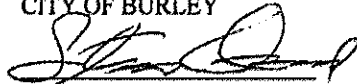
Section 5. The City Clerk is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Cassia County Auditor, Treasurer, Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared and lodged with the City Clerk by the City Engineer, with the Cassia County Assessor, the Cassia County Recorder and the Idaho State Tax Commission, all as provided by Idaho Code Sections 50-223 and 63-215.

Section 6. This Ordinance shall be effective upon its passage, approval and publication.

PASSED April 20, 2021

APPROVED April 20, 2021

CITY OF BURLEY



Steve Ormond - Mayor

ATTEST:

Ellen Maier  
Ellen Maier - City Clerk

EXHIBIT "A"

TOWNSHIP 10 SOUTH, RANGE 23 EAST, BOISE MERIDIAN, CASSIA COUNTY, IDAHO.

SECTIONS 28: A PORTION OF EAST HALF OF THE SOUTHWEST QUARTER MORE PARTICULARLY DESCRIBED BELOW.

COMMENCING AT A ½" REBAR MARKING THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER, CORNER PERPETUATED AS INSTR. No. 2008-004697, CASSIA COUNTY RECORDS AND THE TRUE POINT OF BEGINNING.

THENCE ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER NORTH 0°06'51" WEST 75.07 FEET TO THE SOUTH BOUNDARY OF THE LANDS OF THE BURLEY HIGHWAY DISTRICT;

THENCE ALONG SAID SOUTH BOUNDARY THEREOF NORTH 65°30'18" EAST 141.11 FEET;

THENCE CONTINUING ALONG SAID LANDS OF THE BURLEY HIGHWAY DISTRICT NORTH 89°22'45" WEST 128.53 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID WEST LINE NORTH 0°06'51" WEST 1935.42 FEET TO A ½" REBAR AND LS CAP;

THENCE LEAVING SAID WEST LINE NORTH 16°33'04" EAST 34.87 FEET;

THENCE NORTH 0°06'51" WEST 541.28 FEET TO A ½" REBAR AND LS CAP ON THE NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER, SAID POINT BEING SOUTH 89°13'10" EAST AND 10.00 FEET FROM THE NORTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER;

THENCE CONTINUING ALONG THE NORTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER SOUTH 89°13'10" EAST 1307.25 FEET TO THE CENTER QUARTER CORNER MONUMENTED BY A 5/8" REBAR AND LS CAP;

THENCE ALONG THE CENTER QUARTER LINE SOUTH 0°08'13" EAST 2644.31 FEET TO A 3" CASSIA COUNTY CAP;

THENCE ALONG THE SOUTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER NORTH 89°15'37" WEST 42.29 FEET TO A POINT ON THE CENTERLINE OF THE "G" CANAL;

THENCE ALONG SAID "G" CANAL CENTERLINE THE FOLLOWING COURSES:



NORTH 54°46'38" WEST 415.17 FEET;

NORTH 63°04'09" WEST 112.42 FEET;

NORTH 73°35'40" WEST 98.72 FEET;

NORTH 88°23'44" WEST 133.65 FEET;

THENCE LEAVING SAID CENTERLINE SOUTH 0°10'59" WEST 313.36 FEET TO THE SOUTH LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER;

THENCE ALONG SAID SOUTH LINE NORTH 89°15'37" WEST 607.26 FEET TO THE TRUE POINT OF BEGINNING.

THIS PARCEL CONTAINS APPROXIMATELY 76.66 ACRES



## **SPECIAL USE OF PARKS AGREEMENT WITH IDAHO WATER SPORTS**

Parks Supervisor Brent Winn asked Council to approve the Parks Agreement with Idaho Water Sports for their annual Wake in the Snake to be held July 10<sup>th</sup>. Attorney Dave Shirley said this is the same agreement that was approved last year. It was mentioned that the boat ramp is the only thing that is closed.

A motion was made by Council member Morgan and seconded by Council member Jon Anderson to approve the boat docks for the special event and allow the Mayor to sign it.

Council member Hansen stated she has a conflict of interest and recused herself.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

## **2021 ASPHALT CONTRACT**

City Administrator Mark Mitton said this is a piggy back off of Minidoka Highway district. He asked Council to approve the purchase agreement for general asphalt supply for the year 2021. The price CRS-2R is \$373.00 per ton, for freight/transportation is \$33.50 per ton and for the application is \$36.00 per ton. It was stated it is almost \$80.00 per ton less than last year.

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

## **HANGAR LEASE AT AIRPORT**

City Administrator Mark Mitton stated that Probst Electric would like to put in a metal hangar that will hold two airplanes. They understand the airport could close at any time and there is language in the contract about that. This is a standard hangar lease for the land for .105 cents per square foot, when they leave they will remove the building and leave the concrete pad. Mr.

Shirley said that if Council approves the lease it would be for five years and then needs to be renewed.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve the airport hangar lease 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.

### **APPLICATION TO IDAHO BOND BANK FOR REFINANCING**

City Administrator Mark Mitton said that we have water and sewer bonds that we can renew for around 2% which will save about \$1,083,958.00. Mr. Mitton said this will not extend the term we will just pay the bonds off faster. He asked Council to approve the refinancing and allow us to pay the non-refundable fee of \$500.00 per bond application fee. If approved, he would bring back an Ordinance to approve it all.

A motion was made by Council member Morgan and seconded by Council member Seely to approve going forward with the refinance and approve the application fees.

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.

### **DISCUSSION OF TREE EXCHANGE WITH TETON TREES**

Parks Supervisor Brent Winn presented Council with a proposal from Teton Trees, LLC to exchange \$6,000.00 worth of perennials, grasses, shrubs, and trees a year in exchange for 4 season golf passes and 4 season golf cart passes to the River's Edge golf course for every year plants are donated. Mr. Winn said he did not include Mr. Mitton in any of the negotiations because his sons, who work at Teton Trees, will be the ones using the passes. He mentioned the 4 golf passes and 4 golf cart passes are worth \$4,300.00 in revenue to the city. Mr. Mitton said that the trees could also be used to replace trees that will be taken out of Story Book Park. Council member Bryce Morgan said he is on the recreation committee and supports this. He mentioned that we need to keep track of how many times the passes are used.

A motion was made by Council member Morgan and seconded by Council member Seely to approve the exchange of goods with Teton Trees for the golf passes.

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.

## **ENGINEERING AGREEMENT WITH HDR FOR WORK ON THE IWTP BIOGAS SYSTEM**

Waste Water Treatment Director Dee Hodge stated that the gas blowers are very big. They were originally used by JR Simplot to pump the gas across the river. The city now flares the gas and also we are not producing enough gas. Because we are not using the blowers at their capacity it is destroying the blowers. We have had to replace three of them at about \$15,000.00 each. Mr. Hodge asked Council to approve the agreement with HDR Engineering for \$9,700.00. They will do a study to help us determine what needs to be done so we do not need to keep replacing blowers.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve the master short form agreement between the City of Burley and HDR Engineering 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.

## **WASTE WATER STANDARD OPERATING PROCEDURE**

Waste Water Treatment Director Dee Hodge presents Council with the Standard Operating Procedure as discussed in the last meeting. He stated that Mr. Shirley has reviewed it. This is to require the contractor to make the sewer taps instead of the waste water department.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve the new sewer tapping procedure.

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.

## **AWARD BLM WATR LINE EXTENSION TO EXTREME EXCAVATION**

Engineer Dave Waldron asked Council to approve the notice of award to Extreme Excavation for \$362,063.00 to run a water line out to BLM on the highway just past the school district. Four bids were received with Extreme Excavation being the low bidder. They now have approval permits from DEQ and the Idaho Transportation Department for this project. BLM asked the City to pay for the difference of 8” pipe to 12” pipe, which is required in our Master Plan. This is for a total of \$17,371.00.

A motion was made by Council member Jon Anderson and seconded by Council member Morgan to allow the Mayor to sign the notice of award and the contract to Extreme Excavation for \$362,063.00.

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.

## **BROADBAND LEASE WITH ETS**

City Administrator Mark Mitton asked to table this item until the next meeting.

## **REPORT AND DISCUSSION OF RECENT CITY EVENTS**

Council member Seely wanted to thank whoever picked up all of the garbage after the wind storm.

Council member Craner passed on the invitation from the Mini-Cassia Republicans. He said there will be a luncheon on April 30<sup>th</sup>. This is usually held in February but is late due to COVID.

Council member Hansen said tomorrow the hospital is holding a clinic from 1 to 6 PM for anyone 16 years and older.

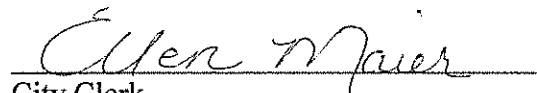
A motion was made by council member Casey Andersen and seconded by Council member Morgan to adjourn the meeting at 7:43 P.M.

All "Aye."  
Motion carried.

City of Burley

  
Mayor Ormond

ATTEST:

  
City Clerk