

**REGULAR BURLEY CITY COUNCIL MEETING**  
**CITY HALL**  
**1401 Overland Avenue**  
**Burley, Idaho**  
**June 21, 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 \$600,991.85.**
  - c. PAYROLL ENDING ON 6/3/22 FOR \$254,757.90.**
  
- 2. ACTION ITEM** Honor Rod Behr for 41 Years of Service Shannon Tolman
- 3. ACTION ITEM** FAA Sponsor Resolution No. 3-22 Mark Mitton
- 4. ACTION ITEM** Harrison Estates Phase 3 Bryan Reiter
- 5. ACTION ITEM** Ordinance Amending Area Requirements for Lots R2 and R2A Zones Bryan Reiter
- 6. ACTION ITEM** New Large Load Rate Ordinance Brent Wallin
  
- 7.** Report and Discussion of Recent City Events

**Information Items**

**BUILDING PERMITS:**

Celia Kunau	1418 E 16 <sup>th</sup> St	Garage	\$ 25,636.00
Alicia Catmull	1826 E 16 <sup>th</sup> St	Storage Units	\$260,000.00
John Kloepfer	1331 Atlantic Dr	Single Family	\$250,000.00

**FIREWORKS PERMIT**

TNT Fireworks – WalMart Parking Lot	\$200.00
TNT Fireworks – Smith’s Parking Lot	\$200.00
Family Fun LLC – Stokes Food Parking Lot	\$200.00
Outlet Fireworks – Stinker Parking Lot	\$200.00
Phantom Fireworks – Cal Ranch Parking Lot	\$200.00

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**REGULAR BURLEY CITY COUNCIL MEETING  
CITY HALL  
June 21, 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, Janet Hansen, Bryce Morgan, Stegen Phillips and Kimberli Seely.

City Staff present were as follows: City Administrator Mark Mitton (joined by phone), City Clerk Ellen Maier, Attorney Dave Shirley, Economic Development Specialist Doug Manning, Engineer Dave Waldron, Building Inspector Gary Pawson, Engineer Bryan Reiter, Fire Chief Shannon Tolman, Deputy Chief Casey Harman, Fireman Ryan Taylor, John Ostler, Henry Munoz, Justin Jensen, Gerardo Mendoza, David Wells, Benny Molina, Jason Williams, Hector Lara, Austin McFarland, Electrical Supervisor Brent Wallin, Librarian Tayce Robinson, Human Resource Carol Anderson, Streets Supervisor Korcky Blackner, Sanitation Supervisor Eric Pufahl, Shop Foreman Rick Garner and Deputy Jared Thompson.

**INVOCATION**

The Invocation was offered by Council member Andersen 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 \$600,991.85.**
  - c. **PAYROLL ENDING 6/3/22 FOR \$254,757.90.**

**Information Items**

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

Roll Call Vote.

The results of the votes were as follows:

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

Motion carried.

### **HONOR ROD BEHR FOR 41 YEARS OF SERVICE**

Fire Chief Shannon Tolman stated that Rodney Behr joined the rank of the Burley Fire Department as a volunteer in 1981 and was promoted in 1982 to a fulltime firefighter. He worked from 1982 to 1996 as a driver operator and then was promoted to Captain. He worked as an online Captain until 2004 when he was promoted to Assistant Fire Chief. His last day was June 17, 2022. Chief Tolman thanked Mr. Behr for being a teacher and a leader and for his 41 years of service. Mr. Behr was presented with a plaque for his outstanding service to the community and the City of Burley Fire Department.

### **FAA SPONSOR RESOLUTION NO. 3-22**

City Administrator Mark Mitton stated that going forward with a new airport we need to pass a resolution stating that we commit to being the sponsor of a new airport. The sponsor is responsible to meet the FAA standards. He stated that when we get a grant, we agree to the grant conditions by abiding by the bidding rules, the engineer qualification rules, along with all the other FAA regulations. He said council needs to be aware that going forward with a new airport there is a possibility that council would have to approve a resolution calling for eminent domain to be used to procure the property.

A motion was made by Council member Andersen and seconded by Council member Craner to approve Resolution 3-22.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

RESOLUTION 3-22

A RESOLUTION AFFIRMING THE CITY OF BURLEY AS  
THE SPONSER FOR BUILDING A NEW AIRPORT

Whereas, the City of Burley knows the importance of having an airport for the good of the community in and around Burley; and,

Whereas, Airports are a necessary economic development tool; and,

Whereas, Airports provide services for public health and safety; and,

Whereas, Airports provide additional transportation and commerce for all businesses in and around Burley; and,

Whereas, Airports on their own create jobs that are necessary in the community and have their own economic impact on the community.


Now, Therefore, The City of Burley, Idaho declares;

That the City of Burley will commit to being the sponsor for a new Burley Airport, and:

That the City of Burley will meet all the responsibilities of a sponsor as outlined in Federal Regulations and grant assurances, and;

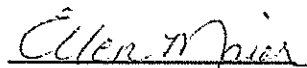
That the City of Burley will, if necessary, use its power granted under Idaho Code 50-311 and Title Seven, Chapter 7 of Idaho Code to complete this project.

Dated this 21<sup>st</sup> day of June, 2022.



Steve Ormond – Mayor

ATTEST:



Ellen Maier – City Clerk

### **HARRISON ESTATES PHASE 3**

Engineer Bryan Reiter said Harrison Estates is south of 27<sup>th</sup> street on Parke Avenue and is ready for the approval of phase three. The developer has submitted engineering drawings and a final plat. City staff has completed their review and find it to be in compliance with Title 6 of City Code. The developer does not intend to provide a surety for the work and is seeking conditional approval to allow construction work to begin on utility and roadway improvements. Mr. Reiter asked council to approve phase 3 with the following conditions.

- 1) Conditionally approve the engineering drawings subject to the following items:
  - a) Temporary cul-de-sacs, built to fire code standards, will be required at the temporary dead-end roads on Arrowhead Drive and on Sawtooth Drive.
  - b) An inline water valve will be required near station 3+00 on drawing PP-8 to allow for future water main extensions, while providing all lots in Phase 3 continual water service.
  - c) Palmer Road will need to be completed to the property line with storm drain provisions, curb & gutter, sidewalk, asphalt roadway, etc...
- 2) Conditionally approve the final plat provided the changes noted on the attached final plat are clarified and/or corrected prior to submittal of the mylar of the final plat.
- 3) Authorize the developer to proceed with construction of the utility and roadway improvements for Phase 3.

A motion was made by Council member Morgan and seconded by Council member Phillips to approve the conditions as stated above for Harrison Estates Phase 3.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

### **ORDINANCE NO. 1395 AMENDING AREA REQUIREMENTS FOR LOTS R2 AND R2A ZONES**

City Engineer Bryan Reiter asked council to approve Ordinance No. 1395 as presented. He stated that in R2 and R2A zones it currently specifies that a lot is 6500 square feet minimum, and its width can be no less than 65 feet and its depth no less than one hundred feet. He said that you can go over 6500 feet but nothing less. He stated that he has had a request to reduce the depth of one hundred feet to eighty-five feet. He said by doing this it would give the builder more options to come up with the 6500 feet and fit a little wider house plan on it. Mr. Reiter stated that planning and zoning published and had a public hearing this morning and is now recommending city council approve it.

A discussion followed. It was stated that the land around White Pine School that is set by this code give some awkward size lots. And this could be used in other areas of the city.

A motion was made by Council member Morgan and seconded by Council member Andersen to dispense with the rule requiring three separate readings and read Ordinance No. 1395 once by title only.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

Mr. Reiter then read Ordinance No. 1395 once by title only.

A motion was made by Council member Morgan and seconded by Council member Phillips to approve Ordinance No. 1395 and allow the mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Bryce Morgan	Aye
John Craner	Nay	Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Nay

Motion carried.

**ORDINANCE NO. 1395**

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, AMENDING TITLE 5, CHAPTER 6 SECTION 2, AND TITLE 5, CHAPTER 6A, SECTION 2, OF THE BURLEY CITY CODE; CHANGING THE AREA REQUIREMENTS FOR LOTS WITHIN THE ZONES DESIGNATED AS "R2" AND "R2A"; AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.** Title 5, Chapter 6, Section 2 (E) and Title 5, Chapter 6A, Section 2 (E), of the City of Burley Code are hereby amended to read as follows:

**5-6-2: AREA REQUIREMENTS:**

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

(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 ~~eighty-five one hundred~~ eighty-five feet (~~10085'~~) 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.

**5-6A-2: AREA REQUIREMENTS**

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

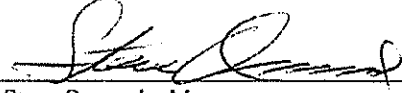
(E) For each unit over a four-family unit, add seven hundred fifty (750) square feet per unit. No lot shall be subdivided to provide less than six thousand five hundred (6,500) square feet of lot area nor have a width of less than sixty five feet (65') nor a depth of less than ~~one-hundred~~ eighty-five feet (~~10085'~~) 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.

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

PASSED June 21 2022

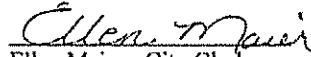
APPROVED June 21 2022

CITY OF BURLEY



Steve Ormond - Mayor

ATTEST:

  
Ellen Maier - City Clerk



## NEW LARGE LOAD RATE ORDINANCE

Electrical Supervisor Brent Wallin presented council with Ordinance No. 1396 and asked them to approve it. He stated that as a public utility we do not make money and that everyone pays their fair share. He said this ordinance would allow the city to raise the limits on those who have excessive usage and push us into tier two rates. Mr. Wallin stated that he does not know when this would happen, but it prepares us and gives us the ability to charge the customers that go over. He also stated that there would be a follow up resolution stating what those fees would be once we have a clearer idea of what happens with the new growth coming in. He explained how BPA charges for tier one and tier two power. A discussion followed.

A motion was made by Council member Morgan and seconded by Council member Andersen to dispense with the rule requiring three separate readings and read Ordinance No. 1396 once by title only.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

Mr. Shirley then read Ordinance No. 1396 once by title only.

A motion was made by Council member Morgan and seconded by Council member Craner to approve Ordinance No. 1396 and allow the mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

**ORDINANCE NO. 1396**

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO, AMENDING TITLE 4, CHAPTER 5 OF THE BURLEY CITY CODE BY ADDING A NEW SECTION 13; PROVIDING FOR THE CREATION OF A SEPARATE CATEGORY OF ELECTRIC FEE FOR NEW LARGE LOADS EXCEEDING ONE THOUSAND KILOWATTS; AND PROVIDING AN EFFECTIVE DATE.

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

**SECTION 1.** Title 4, Chapter 5 of the Burley City Code is hereby amended to include the following Section:

**4-5-13: NEW LARGE LOAD RATE:**

In addition to any electric rate categories set forth by resolution of the Burley City Council, there shall be a separate electric rate established for New Large Loads (NLL). This rate shall be applicable to all single load customers whose aggregate demands at one or more points of delivery on the same premises exceed one thousand kilowatts (1,000 kW). This rate shall be a unique rate designed to return to the utility all costs of service that may be fairly and equitably apportioned to the customer using generally accepted rate-making principles, based upon the customer's unique circumstances, service needs, the impact to existing customers' rates, the price of Tier 2 (or other acquired) power from BPA, additional transmission cost and the financial impact of the NLL on the city electric utility. The rate and class for any NLL shall be determined by resolution of the city council. In no event shall such rate cause subsidization of such customer by other classes of customers nor cause subsidization of such other classes by the large single load customer. This rate shall be negotiated within thirty (30) days after the date the customer is given written notice that the customer's demands have exceeded or will exceed such amount, provided that, in the event the customer and the utility are unable to agree upon a fair and equitable rate, the utility may unilaterally implement such rate, using the principles stated above or restrict service below the one thousand kilowatts (1,000 kW). This rate shall apply to any new customer following the adoption of this Section and to any existing customer whose aggregate demands at delivery points to the same premises increase to exceed one thousand kilowatts after the date of adoption of this Section.

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

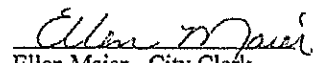
PASSED June 21, 2022

APPROVED June 21, 2022

CITY OF BURLEY

  
Steve Ormond Mayor

ATTEST:

  
Ellen Maier - City Clerk

## REPORT AND DISCUSSION OF RECENT CITY EVENTS

The fire department reminded everyone that they are having an open house for Rod Behr at Story Book Park Saturday June 25<sup>th</sup> from four to seven. He also reminded council they are invited to the assessment promotion they are holding tomorrow where they will be promoting three lieutenants and three captains.

Council member Craner stated that AIC is the rest of this week.


Mayor Ormond welcomed Korky Blackner as the new Streets Supervisor. He also stated that the county sent us a letter with a few addresses that we need to clean up noxious weeds and asked each department to look around and take care of this problem.

Engineer Dave Waldron expressed his gratitude to council for approving the observance of Juneteenth.

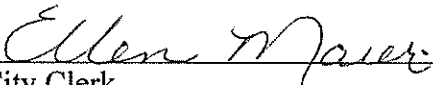
A motion was made by council member Andersen and seconded by Council member Morgan to adjourn the meeting at 7:53 P.M.

All "Aye."  
Motion carried.

City of Burley

  
\_\_\_\_\_  
Mayor Ormond

ATTEST:

  
\_\_\_\_\_  
City Clerk