

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
July 2, 2019**

AMENDED 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 \$828,471.34.

c. PAYROLL ENDING ON 6/21/19 FOR \$246,910.94.

- | | | |
|------------------------------|---|------------------|
| 2. <u>ACTION ITEM</u> | LuLu's Street Closure – Benefit for Ben Orton | Kristen Lindauer |
| 3. <u>ACTION ITEM</u> | Energy Audit by Honeywell | Mark Mitton |
| 4. <u>ACTION ITEM</u> | Pay Application #1 for Water Tank Well 5 And Certificate of Substantial Completion | Bryan Reiter |
| 5. <u>ACTION ITEM</u> | Extension of Lease w/Smith's Food & Drug | Mark Mitton |
| 6. <u>ACTION ITEM</u> | Annexation of Real Property within S1/2 NE ¼ Section 28 T10S R23EBM (owned by Leroy & Ronda Funk, Lisa Funk and the Heffington/Eddings) | Dave Shirley |

Information Items

BUILDING PERMITS:

| | | | |
|--------------------------|---------------------------|---------------------|--------------|
| Brennan Jones | 600 W 24 th St | Single Family | \$175,000.00 |
| Powder River Development | 2220 Parke Ave | Communication Tower | \$ 10,000.00 |
| Seven Seas Properties | 628 W 24 th St | Single Family | \$125,122.00 |
| Miquel Farfan | 19 W 218 S | Commercial | \$ 60,000.00 |

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
July 2, 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, Bryce Morgan, Jon Anderson and Russell Mallory was excused.

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Attorney Dave Shirley, Waste Water Treatment Director Dee Hodge, Economic Development Specialist Doug Manning, Engineer Bryan Reiter, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn, Librarian Julie Woodford, Human Resource Carol Anderson, Engineer David Waldron, and Lt. Jason Rogers was also in attendance.

INVOCATION

The Invocation was offered by Council member Morgan 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 \$828,471.34.**
 - c. **PAYROLL ENDING 6/28/19 FOR \$246,910.94.**

Information Items

BUILDING PERMITS:

| | | | |
|--------------------------|---------------------------|---------------|--------------|
| Brennan Jones | 600 W 24 th St | Single Family | \$175,000.00 |
| Powder River Development | 2220 Parke Avenue | Commercial | \$ 10,000.00 |
| Seven Seas Properties | 628 W 24 th St | Single Family | \$125,122.00 |
| Miguel Farfan | 215 E Railroad | Commercial | \$ 60,000.00 |

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.

LULU'S STREET CLOSURE – BENEFIT FOR BEN ORTON

Kristen Lindauer, owner of Lulu's, asked to close Hansen Avenue on August 10th from 4 P.M. to 8 P.M. This is for a charity event with all proceeds going to Ben Orton, who was badly burned. She presented Council with a diagram of the street layout and signatures of the business owners giving their consent.

A motion was made by Council member Casey Andersen and seconded by Council member Jon Anderson to approve the street closure on August 10th for the event.

Roll Call Vote:

The results of the votes were as follows:

| | | | |
|----------------|-----|---------------|-----|
| Casey Andersen | Aye | Randy Hawkins | Aye |
| Jon Anderson | Aye | | |
| John Craner | Aye | Bryce Morgan | Aye |

Motion carried.

ENERGY AUDIT BY HONEYWELL

City Administrator Mark Mitton presented Council with a Memorandum of Understanding for a Preliminary Infrastructure Renewal Assessment by Honeywell. He stated that this is a free service they provide to cities. They will do an energy audit of our buildings, equipment, pumps and cost ratio analysis. Mr. Mitton said this would help us identify places we could save energy and from this it would give of a list we could work on in the future. He stated this is just an MOU and does not commit us to anything but we do have to provide them with information.

A motion was made by Council member Morgan and seconded by Council member Hawkins to approve the survey analyses with Honeywell 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 | | |
| John Craner | Aye | Bryce Morgan | Aye |

Motion carried.

PAY APPLICATION #1 FOR WATER TANK WELL 5 AND CERTIFICATE OF SUBSTANTIAL COMPLETION

City Engineer Bryan Reiter stated that the work on well #5 tank is about complete and presented Council with a pay request for \$365,503.00 which is 95% of the contract account. Mr. Reiter asked Council to allow the Mayor sign the pay request along with the Certificate of Substantial Completion.

A motion was made by Council member Jon Anderson and seconded by Council member Casey Andersen to authorize the Mayor to sign the certificate of substantial completion and authorize payment pursuant to the certification of payment.

Roll Call Vote:

The results of the votes were as follows:

| | | | |
|----------------|-----|---------------|-----|
| Casey Andersen | Aye | Randy Hawkins | Aye |
| Jon Anderson | Aye | | |
| John Craner | Aye | Bryce Morgan | Aye |

Motion carried.

EXTENSION OF LEASE WITH SMITH’S FOOD & DRUG

City Administrator Mark Mitton said that Smith’s Food and Drug leases a small portion of property on the west side of the building by their drive thru window. The lease is for \$3600.00 per year and is for 5 – 10 year periods. They would like to exercise the next 10-year option for 10-1-19 through 9-30-29.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve the extension of the lease and authorize 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 | | |
| John Craner | Aye | Bryce Morgan | Aye |

Motion carried.

ANNEXATION OF REAL PROPERTY WITHIN S ½ NE ¼ SECTION 28 T10S R23EBM (OWNED BY LEROY & RONDA FUND, LISA FUNK AND THE HEFFINGTON/EDDINGS)

City Engineer Bryan Reiter stated the above people have requested to be annexed into the city. This is considered a category A annexation because they have requested the annexation and there does not need to be a public hearing. This is by Pleasant View Cemetery. Mr. Reiter stated that the consent to annexations are in the clerk’s office.

A short discussion followed.

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 Ordinance No 1361 once by title only.

Roll Call Vote:

The results of the votes were as follows:

| | | | |
|----------------|-----|---------------|-----|
| Casey Andersen | Aye | Randy Hawkins | Aye |
| Jon Anderson | Aye | | |
| John Craner | Aye | Bryce Morgan | Aye |

Motion carried.

City Attorney Dave Shirley then read Ordinance No. 1361 once by title only.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Ordinance No. 1361 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 | | |
| John Craner | Aye | Bryce Morgan | Aye |

Motion carried.

Instrument # 2019002659
BURLEY, CASSIA, IDAHO
7-3-2019 10:02:38 AM No. of Pages: 4
Recorded for : CITY OF BURLEY
JOSEPH LARSEN Fee: 0.00
Ex-Officio Recorder Deputy JLarsen
Index to: ORDINANCE

ORDINANCE NO. 1361

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 owners of the parcel have 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 July 2, 2019; and

WHEREAS the City Council has determined that this annexation meets the criteria of a category A annexation as set forth in Idaho Code Section 50-222(3)(a);

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 7-2-19

APPROVED 7-3-19

CITY OF BURLEY

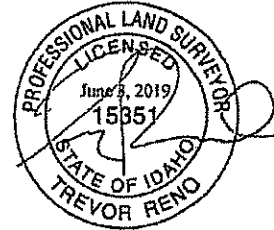


Steve Ormond - Mayor

ATTEST:

Ellen Maier
Ellen Maier - City Clerk

June 3, 2019
JOB # 12913-19C1
CITY OF BURLEY ANNEXATION SURVEY



PARCEL 1

L E G A L D E S C R I P T I O N

Part of the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 28 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the East $\frac{1}{4}$ Corner of Section 28 in T.10 S., R.23 E., B.M. said corner marked by a brass cap; Thence North 89 degrees 07 minutes 57 seconds West along the south line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ for a distance of 25.00 feet to the west right of way of 150 East Road which shall be the Point of Beginning;

THENCE North 89 degrees 07 minutes 57 seconds West along said $\frac{1}{4}$ section line for a distance of 1292.61 feet to a U.S. GLO iron pipe with brass cap at the Southwest Corner of the SE $\frac{1}{2}$ NE $\frac{1}{4}$;

THENCE North 89 degrees 01 minutes 51 seconds West along said $\frac{1}{4}$ section line for a distance of 1318.98 feet to a $\frac{3}{8}$ " rebar at the Center $\frac{1}{4}$ Corner of Section 28;

THENCE North 00 degrees 01 minutes 47 seconds East along the west line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ for a distance of 1324.16 feet to a $\frac{3}{8}$ " rebar at the Northwest Corner of the SW $\frac{1}{2}$ NE $\frac{1}{4}$;

THENCE South 88 degrees 57 minutes 23 seconds East along the north line of the S $\frac{1}{2}$ NE $\frac{1}{4}$ for a distance of 965.58 feet to a $\frac{3}{8}$ " rebar at the Northwest Corner of the Legacy Lane Subdivision;

THENCE South 00 degrees 00 minutes 56 seconds East along the west boundary of said subdivision for a distance of 665.76 feet to a $\frac{3}{8}$ " rebar at the Southwest Corner of said subdivision;

THENCE South 89 degrees 04 minutes 51 seconds East along the south boundary of said subdivision for a distance of 1461.14 feet to a $\frac{3}{8}$ " rebar at the Southeast Corner of said subdivision;

THENCE South 89 degrees 10 minutes 06 seconds East for a distance of 182.92 feet to a $\frac{1}{2}$ " rebar;

THENCE South 89 degrees 10 minutes 06 seconds East for a distance of 0.94 feet to the west right of way of 150 East Road;

THENCE South 00 degrees 00 minutes 56 seconds East along said right of way for a distance of 656.58 feet to the Point of Beginning.

Said property contains 54.16 acres more or less and is subject to any easements or right of ways, existing or of record.

PREPARED BY:

Desert West Land Surveys 2020 Overland Ave. Burley, Idaho 83318

EXHIBIT "A"

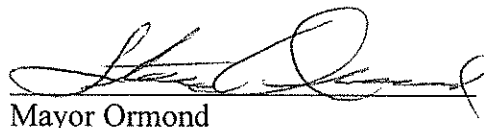
Mayor Ormond stated that he is working on plaques for the tennis courts. For about \$300.00 he will get a sign in sandstone in honor of Mr. Poulton and a plaque for Mr. Thompson to place on court number one.

City Attorney Dave Shirley said that the raffle for the kids fishing pond will not be anything the city can be involved in and that it would be handled by Mr. Bryant and Mr. Kicklighter.

A motion was made by council member Casey Andersen and seconded by Council member Morgan to adjourn the meeting at 7:29 P.M.

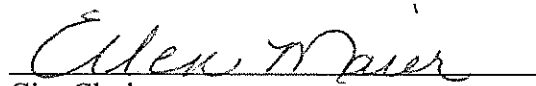
All "Aye."
Motion carried.

City of Burley



Mayor Ormond

ATTEST:



City Clerk