

**SPECIAL BURLEY CITY COUNCIL MEETING  
CITY HALL  
1401 Overland Avenue  
Burley, Idaho  
July 15, 2020**

**SPECIAL MEETING @ 12:00 P.M.**

**AGENDA**

- 1. ACTION ITEM** Discussion on Submitting Letter For Property Tax Relief
- 2. ACTION ITEM** Broadband Grant Submission and Approval of Resolutions

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**COMMENCE MEETING**

Council met in special session at 12:15 p.m. with Mayor Ormond presiding. Council members present were Casey Andersen, Jon Anderson, John Craner, Bryce Morgan and Kimberli Seely.

City Staff present were as follows: City Administrator Mark Mitton, Attorney Dave Shirley, Engineer Bryan Reiter, and Human Resource Carol Anderson were in attendance.

**ROLL CALL**

Mayor Ormond asked that roll call be taken at 12:15 p.m.

Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye
Casey Andersen	Aye		

**DISCUSSION ON SUBMITTING LETTER FOR PROPERTY TAX RELIEF**

City Administrator Mark Mitton stated that he had sent an email to Scott Bedke about the legality for Property Tax Relief and at the time of the meeting there was still no clarity. Mr. Mitton had talked to Minidoka County and in the discussion the L2 form was discussed. If the City opted in, the State would send the L2 form and then Mr. Mitton felt that the City would be unable to opt out later. Minidoka County would not opt in for the tax relief and Cassia County also sent Mr. Mitton a copy of their letter stating that they would not opt in for the tax relief.

It was explained that the reason for not opting in, is because of the Cares Act that states you cannot replace revenue with this money. Therefore, most cities and counties believe that the property tax relief is not legal because of the language in the Cares Act. There is a lot of confusion about the money and if the cities would have to pay the money back. Mr. Mitton explained that if the city were to opt in the city would be at risk for the next three years for taxes being collected, because the Legislature could change in any session that require the Cities to go with the taxes collected in the past three years. This money could set a precedence for that tax money to be low for the City.

Mr. Mitton explained that Twin Falls would be submitting a letter to opt in unless the money could not be used that way and then Twin Falls would want out of the tax relief. Mr. Mitton stated that most letters that were being sent in for opting in would have similar language. Mr. Mitton stated because of all the high risks associated with the tax relief, he could not recommend for the City to opt in on this tax relief.

City Attorney Dave Shirley stated that there are some uncertainties of the tax relief and the most problematic is the revenue replacement issue. However, he stated that if you sent a letter to opt

in at this point it would be non-binding and it wouldn't become a problem until the budget is certified and you send in the L2, then you would be locked into the agreement. Mr. Shirley said that Mr. Mitton would then have to create two budgets, one with the 3% and one without the 3% until you figured out which way you were going to go with the agreement. Mr. Shirley explained that at the hearing, even at the last minute, you could go with the lower budget if you decide to change your mind. It is always possible to go with the lower budget, however, you can't go higher once you have submitted a budget. It was stated that if you went this route and submitted a letter to opt in with the contingency then you save a place at the table when the funds are distributed.

A lengthy discussion followed about the taxes of the 3% and contingency of opting in and how this money could affect future budgets. There was also a discussion about the message sent to the legislature with opting in or opting out.

A motion was made by Council member Casey Andersen to opt out of the property tax relief, seconded by Council member Jon Anderson.

The Roll Call Vote.

The results of the votes were as follows:

Jon Anderson	Aye	Bryce Morgan	Nay
John Craner	Aye	Kimberli Seely	Aye
Casey Andersen	Aye		

Motion carried.

## **BROADBAND GRANT SUBMISSION AND APPROVAL OF RESOLUTIONS**

City Administrator Mark Mitton explained the grant and the broadband system. If the City were to be awarded this grant it would allow the City to spread the internet services to places like the parks, wells, and lift stations. For security reasons, this would be helpful to the city. We could install cameras and secure measures that we cannot do now. The purpose of the grant is for public safety, so it would be good for the city to be awarded this grant. Other ideas of how this helps create social distancing and other safety measures were discussed.

Mr. Mitton thought that Heyburn would be the only other city applying for the grant. It was explained that Heyburn is doing a joint project with PMT to do a similar project. It is possible that we would lose Heyburn as a customer on this process.

There was a discussion about homeowners being able to use the internet. It was explained that this could happen sometime in the future. Also it was discussed whether people living near the park would have free internet. It was explained that they would only have services in their front yard, but not in their house.

A motion was made by Council member Casey Andersen to approve Resolution 6-20 and allow the Mayor to sign it, seconded by Jon Anderson.

The Roll Call Vote.

The results of the votes were as follows:

Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye
Casey Andersen	Aye		

Motion carried

**Sign and Submit Resolution**  
**RESOLUTION 6-20**

A RESOLUTION OF CITY COUNCIL OF BURLEY, IDAHO AUTHORIZING THE MAYOR TO SIGN AND SUBMIT AN APPLICATION TO THE IDAHO DEPARTMENT OF COMMERCE FOR AN IDAHO CARES ACT BROADBAND GRANT TO FINANCE IMPROVEMENTS TO ENHANCE BROADBAND SYSTEMS IN OUR COMMUNITY,

WHEREAS, stable, reliable broadband infrastructure is necessary to support and attract business, improve educational training, enhance public safety and services, and enrich the quality of life for all citizens;

WHEREAS, the Governor for the State of Idaho declared a state of emergency on March 13, 2020 with Executive Order 2020-7 to respond to the coronavirus pandemic;

WHEREAS, the CARES Act funding received by the State of Idaho will fund projects across the state that create and retain local jobs and result in purposeful outcomes, including distance learning, telehealth, public safety, commerce, and the overall well-being of the citizens in Idaho,

WHEREAS, the City is an eligible applicant of the Idaho CARES Act Broadband Grant program and intends to apply for funding through this grant program;

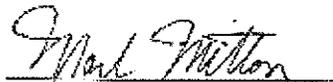
WHEREAS, the City will comply with Idaho statute 67-2808 regarding sole source procurement since the competitive procurement solicitation and selection process is impractical, disadvantageous, or unreasonable under the circumstances of responding to this epidemic recovery effort; and,

WHEREAS, the City has signed a Memorandum of Understanding (MOU) with ETS, to install infrastructure that will expand and improve broadband access to the unserved and underserved areas of our community.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BURLEY, IDAHO, that the Mayor is authorized to sign and submit appropriate application materials to the Idaho Department of Commerce to seek funding through the Idaho CARES Act Broadband Grant program to enhance broadband access in our community.

Adopted this 15<sup>th</sup> day of July 2020.

  
Steve Ormand, Mayor

Attest: 

Mark Milton, City Administrator

**Idaho CARES Act Broadband Grant Administration Services Resolution**

RESOLUTION 7-20

A RESOLUTION OF CITY COUNCIL OF BURLEY, IDAHO AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH REGION IV DEVELOPMENT ASSOCIATION, INC TO PROVIDE GRANT WRITING AND PROJECT ADMINISTRATION SERVICES IN CONNECTION WITH THE CITY'S APPLICATION TO THE IDAHO DEPARTMENT OF COMMERCE FOR AN IDAHO CARES ACT BROADBAND GRANT TO FINANCE BROADBAND INFRASTRUCTURE SYSTEM IMPROVEMENTS TO ENHANCE BROADBAND ACCESS IN OUR COMMUNITY.

WHEREAS, the CARES Act funding received by the State of Idaho will fund projects across the state that create and retain local jobs and result in purposeful outcomes, including distance learning, telehealth, public safety, commerce, and the overall well-being of the citizens in Idaho.

WHEREAS, stable, reliable broadband infrastructure is necessary to support and attract business, improve educational training, enhance public safety and services, and enrich the quality of life for all citizens; and

WHEREAS, the City is applying to the Idaho Department of Commerce for an Idaho Cares Act Broadband Grant program to enhance broadband access in our community; and

WHEREAS, the grant requires the services of a project administrator to oversee project implementation activities to ensure it aligns with program requirements; and

WHEREAS, the City has engaged the services of Region IV Development Association, Inc. to provide grant writing and project administration services.

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BURLEY, IDAHO, that the Mayor is authorized to sign a service agreement with Region IV Development Association, Inc. to provide grant writing and grant administrative services in connection with our project as outlined in the our Idaho Cares Act Broadband Grant application.

Adopted this 15<sup>th</sup> day of July, 2020.

  
Steve Ormond, Mayor

Attest:   
Mark Mitton, City Administrator

It was stated that the second resolution needed a separate motion to be approved and the resolution states that Region Four would administer the grant funds.

A motion was made by Council member Bryce Morgan to approve Resolution 7-20 and all the Mayor to sign it, seconded by Kimberli Seely.

The Roll Call Vote.

The results of the votes were as follows:

Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye
Casey Andersen	Aye		

Motion carried.

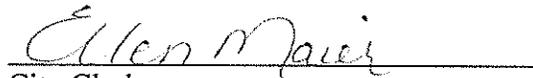
A motion was made by council member Casey Andersen and seconded by Council member John Craner to adjourn the meeting at 1:03 P.M.

All "Aye."  
Motion carried.

City of Burley

  
Mayor Ormond

ATTEST:

  
City Clerk