

**SPECIAL AND REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
July 19, 2022**

SPECIAL MEETING

ACTION ITEM: EXECUTIVE SESSION AT 6:00 P.M. TO CONSIDER HIRING A PUBLIC OFFICER, AND TO CONSIDER THE EVALUATION OF A PUBLIC OFFICER PURSUANT TO IDAHO CODE 74-206 (1)(a),and(b).

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 \$340,443.24.**
 - c. PAYROLL ENDING ON 7/1/22 FOR \$245,141.12.**

- 2. ACTION ITEM** Public Hearing on Development Fees Mark Mitton
- 3. ACTION ITEM** Resolution No. 5-22 Adopting Development Fees Mark Mitton
- 4. ACTION ITEM** Appoint Vanessa Foster to the Library Board Mayor Ormond
- 5. ACTION ITEM** Appoint Brittany Mitchell to Planning & Zoning Board Mayor Ormond
- 6. ACTION ITEM** Accept Easements for the Outfall Utility Lines for Burley Temple Dave Waldron
- 7. ACTION ITEM** Church Development Agreement Dave Shirley
- 8. ACTION ITEM** Airport Feasibility Study Mark Mitton
- 9. ACTION ITEM** Parks use Agreements at Baseball Fields 7-23 & 8-13 Brent Winn
- 10. ACTION ITEM** Broadband RFP Review Mark Mitton

- 11.** Report and Discussion of Recent City Events

Information Items

BUILDING PERMITS:

Cassia Museum	1142 Hiland Ave	New Construction	\$ 48,546.00
Barbara Linarez	1227 Conant Ave	Single Family	\$107,318.00
Beacon Management LLC	1238 Overland Ave	Alteration	\$ 6,000.00

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**SPECIAL AND REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
July 19, 2022**

COMMENCE MEETING

Council met in special session at 6:00 p.m. with Mayor Ormond presiding. Council members present were Casey Andersen, John Craner (joined during executive session), Janet Hansen, Bryce Morgan (joined during executive session), Stegen Phillips and Kimberli Seely.

EXECUTIVE SESSION

A motion was made by Council member Andersen and seconded by Council member Seely to go into executive session to consider hiring a public officer, and to consider the evaluation of a public officer pursuant to Idaho code 74-206 (1)(a),and(b).

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

A discussion was held.

Executive session adjourned at 6:54 p.m.

Council reconvened at 7:00 p.m.

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, City Clerk Ellen Maier, Attorney Dave Shirley, Sexton Dave Allred, Wastewater Treatment Director Dustin Raney, Engineer Dave Waldron, Engineer Bryan Reiter, Deputy Chief Casey Harman, Parks Supervisor Brent Winn, Librarian Tayce Robinson, Shop Supervisor Rick Garner, Deputy Jared Thompson, and Human Resource Carol Anderson.

INVOCATION

The Invocation was offered by Council member Seely 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 \$340,443.24.**

c. **PAYROLL ENDING 7/1/22 FOR \$245,141.12.**

Information Items

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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
John Craner	Aye	Stegen Phillips	Aye
Janet Hansen	Aye	Kimberli Seely	Aye

Motion carried.

PUBLIC HEARING ON DEVELOPMENT FEES

City Administrator Mark Mitton stated that a public hearing was published for this time and place. He stated that we have only charged building permit fees and with all the new growth it is time we start charging development fees. Mr. Mitton said that with property tax cuts and sales tax cuts we can no longer provide these services at no cost. Mr. Mitton also stated that we are not allowed to charge a fee that is larger than our costs.

Mayor Ormond then opened the public hearing. He asked if there was any public comment in favor of the fees. There was no comment. He asked if there was any public comment neutral of the fees. There was no comment. He then asked if there was any public comment against the fees.

LeRoy Funk stated all of these fees are basically taxes and asked what the money is going to be used for. He also asked if they have looked into private parties doing some of the work.

Attorney Dave Shirley stated that these are not taxes, these are fees, and fees are designed to offset the administrative costs that the city is spending in order to complete the tasks that are being charged for. Mr. Shirley also stated that these fees are less than if they were performed by

a private party, he also stated that the fees help the tax payor because they do not need to pay for a service that is used for a newly developing project.

Trevor Reno representing Desert West Land Surveyors stated that working in other counties and cities he feels the subdivision review fee is in line with others, but the lot line adjustment fee is higher than the others.

Mr. Mitton responded that under Idaho Code we cannot charge more than the service costs and these fees are below our cost. He said we do not have very many lot line adjustments, but they do take a lot of work. It was also stated that it is not the size of the lot but the time it takes.

Council member Craner stated that at the AIC meeting in June they learned this is the way cities are moving in light of what the legislature has done to the cities by cutting taxes.

Mayor then closed the public hearing.

RESOLUTION NO 5-22 ADOPTING DEVELOPMENT FEES

A motion was made by Council member Morgan and seconded by Council member Andersen to approve Resolution 5-22 and allow the mayor to sign it with an effective date of August 1, 2022.

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 5-22

**A RESOLUTION OF THE CITY OF BURLEY
ESTABLISHING FEES FOR SERVICES**

Whereas, the City of Burley provides many services to its citizens that are not covered by property taxes; and,

Whereas, fees charged by the City provide needed utility, recreation, cemetery, development, and other services; and,

Whereas, the City of Burley has advertised these fees as required for the setting of new fees; and,

Whereas, the City of Burley needs establish or to increase these fees due to the Idaho Legislature's reduction of local property taxes, sales taxes, and liquor distribution taxes to the City of Burley.

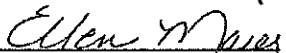
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLEY RESOLVES:

The following fees for services are established as development fees within the City of Burley.

Fee's	Existing Fee	New Fee	
Subdivision Check Fee	0.00	\$500.00	
Lot Line Change Fee	0.00	\$500.00	
Building Permit Fee			
Residential	\$74 per square foot	\$200.00	Plus 150.00 per square foot
Garage & Basement	\$29 per square foot		\$50 per square foot
Sidewalk Right of Way Permit		\$50.00	
Variance	0.00	\$500.00	
Re-Zoning Request	0.00	\$1,000.00	
Comprehensive Plan Amendment	0.00	\$1,000.00	

These fees will become effective upon approval of the Burley City Council and signature by the Mayor of Burley and remain in effect until changed, modified, or repealed by the City Council of the City of Burley.

Approved this 19th day of July 2022.


Ellen Maier
City Clerk


Steve Ormond
Mayor

APPOINT VANESSA FOSTER TO THE LIBRARY BOARD

Mayor Ormond stated that he has appointed Vanessa Foster to the library board. She was recommended by Librarian Tayce Robinson. She has been involved with the library for the last few years and is at the library several times a week with home study students.

APPOINT BRITTANY MITCHELL TO PLANNING & ZONING BOARD

Mayor Ormond appointed Brittany Mitchell to the planning and zoning board. Mayor Ormond said he received a letter of interest from Brittany, and she was recommended by Trevor Reno.

ACCEPT EASEMENTS FOR THE OUTFALL UTILITY LINES FOR BURLEY TEMPLE

CHURCH DEVELOPMENT AGREEMENT

Engineer Dave Waldron said that they are still working on this project, and it is still not ready. It was mentioned by Mr. Funk and the general contractor that they need improved communication to get this project completed.

Attorney Dave Shirley said we are still negotiating and there are still some discrepancies with the exhibits that need to be fixed before we can accept them.

LeRoy Funk said that he just received the easement agreement from Terry Bradshaw just before five today and asked for better communication on this project.

A discussion followed with comments from the general contractor and Terry Bradshaw representing the church. It was agreed that the acceptance of easements and the church development agreement should be approved at the same time.

Attorney Dave Shirley said that the development agreement is what is binding as far as the ability of the city to accept those easements and the landowner do not want to be accepting or granting easements without the development agreement being put into place that determines what happens to those easements. Mr. Shirley asked that when these items are ready for council approval that a special meeting be held so it will not further delay the project.

A motion was made by Council member Craner and seconded by Council member Morgan to table these items and hold a special meeting when ready.

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.

AIRPORT FEASIBILITY STUDY

City Administrator Mark Mitton stated that we have passed a resolution committing to being the sponsor of the airport and presented council with a scope of work for a feasibility study which is the next step. He said what they are looking for in this report is an overall report of the feasibility of a new airport going on a specific site that we have identified. This study will be with GDA Engineers.

A motion was made by Council member Andersen and seconded by Council member Morgan to approve the scope of work for the feasibility study 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.

PARKS USE AGREEMENT AT SOFTBALL FIELDS 7-23/7-24 AND 8-13/8-14

Parks Supervisor Brent Winn presented a parks use agreement for council to approve. They do use the park to camp at. It was prepared by Mr. Shirley.

A motion was made by Council member Craner and seconded by Council member Phillips to approve the Parks Use Agreement for the Softball Fields.

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.

BROADBAND RFP REVIEW

City Administrator Mark Mitton stated that they received four responses and asked council for clarification on who they would like to review them. Mr. Mitton stated that it would be himself, Bryan Reiter, Brent Wallin, and anyone else council wants.

A brief discussion followed. It was clarified that Stegen Phillips is not affiliated with any of the companies.

A motion was made by Council member Morgan to add Stegen Phillips to the staff members (Mark Mitton, Bryan Reiter, and Brent Wallin) as the review committee. Mayor Ormond confirmed the designation.


Mayor Ormond reminded everyone that this is the week of the Folk Festival.

Librarian Tayce Robinson invited everyone to the unveiling of the donated statue on July 25th at 10:00 A.M.

A motion was made by council member Andersen and seconded by Council member Morgan to adjourn the meeting at 8:00 P.M.

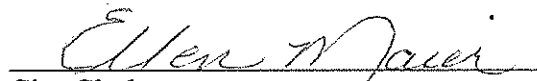
All "Aye."
Motion carried.

City of Burley



Mayor Ormond

ATTEST:



City Clerk