

**REGULAR BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
August 16, 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 \$700,349.50.**
 - c. PAYROLL ENDING ON 7/29/22 FOR \$318,081.93.**

- 2. ACTION ITEM** Freedom Fest–Use of City Property/Close Street Dixie Odell/Joan Peterson
- 3. ACTION ITEM** 2022 Elgin Street Sweeper Mark Mitton
- 4. ACTION ITEM** Sale of 2019 Street Sweeper Rick Garner
- 5. ACTION ITEM** Pocatello Water Rights Lease Agreement Bryan Reiter
- 6. ACTION ITEM** Accept Easements for the Outfall Utility Lines for Burley Temple Dave Shirley
- 7. ACTION ITEM** Church Development Agreement Dave Shirley

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

Information Items

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**REGULAR BURLEY CITY COUNCIL MEETING
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August 16, 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 (excused), 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, Wastewater Treatment Director Dustin Raney, Economic Development Specialist Doug Manning, Engineer Bryan Reiter, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn, Librarian Tayce Robinson, Sanitation Supervisor Eric Pufahl and Human Resource Carol Anderson.

INVOCATION

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

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 - a. **APPROVAL OF MINUTES FROM REGULAR AND SPECIAL MEETINGS**
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Information Items

BUILDING PERMITS:

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.

FREEDOM FEST-USE OF CITY PROPERTY/CLOSE STREET

Dixie Odell and Joan Peterson, representing the Veterans of Foreign wars, stated they are having their annual Freedom Fest on September 24th from 8 AM to 3 PM at 554 Hiland Avenue. They asked council to approve the use of the city lot across from them to use for parking as they have in the past. They also asked to close Hiland Avenue from 6th Street to 5th Street and 5th Street from Oriental Avenue to Hiland Avenue. They stated the streets department has provided the street closure signs in the past.

A motion was made by Council member Morgan and seconded by Council member Andersen to approve the event.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

2022 ELGIN STREET SWEEPER

City Administrator Mark Mitton presented council with a quote from MetroQuip for a 2022 Elgin Pelican NP Mechanical Street Sweeper for \$253,534.00. He said that instead of trading in the 2020 Elgin Crosswind 1 Regenerative Air Sweeper for \$165,000.00 they can put it in an online auction and hopefully get about \$190,000.00. He said we purchased two - 2020 sweepers and would like to get rid of one of them and get a bigger mechanical sweeper that will pick up larger debris. Mr. Mitton said we could send two employees to pick the sweeper up and not pay an additional \$8,084.00 for freight.

Attorney Dave Shirley stated if approved the quote being signed would read *Available for purchase utilizing Sourcewell Contract #093021-ELG.*

A motion was made by Council member Morgan and seconded by Council member Andersen to approve the purchase of the 2022 Elgin Pelican Sweeper and allow the mayor to sign it.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

SALE OF 2019 STREET SWEEPER

A motion was made by Council member Morgan and seconded by Council member Seely to declare the 2020 Elgin Crosswind sweeper as surplus and put in the auction.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

POCATELLO WATER RIGHTS LEASE AGREEMENT

City Engineer Bryan Reiter presented council with an annual Water Rights Lease Agreement with the City of Pocatello. It is for 527.6 acre-feet of Palisades storage water rights for \$16,250.08. Mr. Reiter said he feels it would in the cities best interest to sign this annual agreement.

A motion was made by Council member Andersen and seconded by Council member Morgan to approve the water rights lease agreement and allow the mayor to sign it and the rental pool form.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

ACCEPT EASEMENTS FOR THE OUTFALL UTILITY LINES FOR BURLEY TEMPLE

CHURCH DEVELOPMENT AGREEMENT

City Attorney Dave Shirley stated that this is for the church development agreement and the acceptance of easements of the water and sewer lines as talked about in the past. Mr. Shirley presented council with a proposed breakdown of water and sewer shares that each parcel owner would pay. He stated that this was determined by acres owned. Because this is the churches project, they would pay for all of the initial costs of the water and sewer line project and upon completion and acceptance of those utilities by the city then each of the other landowners would pay back to the church their portion of the project. It was explained that exceptions for the Heidels, and Carol Fowlers Trust are in place when triggering events happen as set out in the contract. The contract also addresses the utility easements. Mr. Shirley said that once we get the signed acceptances of easements from the individual owners then the mayor can sign the acceptance. The church has agreed to put in a roadway on the southern boarder of their property and then dedicate it to the public once it is completed to city standards.

Terry Bradshaw the real estate manager for the Church of Jesus Christ of Latter-Day Saints stated that the total cost of the project is \$1,509,227.00. He stated that his request would be that council approve the development agreement and the roadway utility easement agreements tonight and then they would obtain notarized signatures on both documents as well as the documents to be recorded.

Mr. Shirley said the city will own the sewer and water lines and they will generate revenue from those lines. He said council needs to determine if it is in the cities best interest to put in the infrastructure so that the property can be developed and is the risk of not collecting the Fowler and Heidel portion of the water and sewer lines a risk the city is willing to take.

A discussion followed with questions being asked by Mr. Heidel, Mr. Funk, and council.

It was discussed what the triggering events would be for the Fowlers and Heidels and when they would need to pay their portion. It was clarified that the property does not stop at the church and will service to the east past the church onto 150 East with stubs. Mr. Mitton stated that the money would come from the water and sewer fund balances and that it is an investment for the future. Mr. Reiter said that acreage was the best way to determine each property owners' cost. It was stated that once the easements are given to the city the property owner can still use the ground, but they cannot build on those easements.

CHURCH DEVELOPMENT AGREEMENT - MOTION

A motion was made by Council member Morgan and seconded by Council member Seely to approve the development agreement in its form conditioned upon receiving the signed development agreement from all the other parties.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

ACCEPT EASEMENTS FOR THE OUTFALL UTILITY LINES FOR BURLEY TEMPLE - MOTION

A motion was made by Council member Morgan and seconded by Council member Andersen to approve the acceptance of the easement conveyance instruments and authorize the mayor to sign them upon the delivery of the instruments signed by all the parties to the city and after approval and review from staff.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

A motion was made by council member Andersen and seconded by council member Morgan to adjourn the meeting at 8:06 P.M.

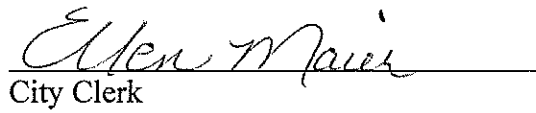
City of Burley



Handwritten signature of Steve Ormond in cursive script, written over a horizontal line.

Mayor Ormond

ATTEST:



Handwritten signature of Ellen Mair in cursive script, written over a horizontal line.

City Clerk