

**REGULAR BURLEY CITY COUNCIL MEETING**  
**CITY HALL**  
**1401 Overland Avenue**  
**Burley, Idaho**  
**August 20, 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 \$287,297.63.**

**c. PAYROLL ENDING ON 8/2/19 FOR \$152,415.19.**

- |                               |   |                |
|-------------------------------|---|----------------|
| <b>2. <u>ACTION ITEM</u></b>  | Public Hearing on 2019/2020 Budget  | Mark Mitton    |
| <b>3. <u>ACTION ITEM</u></b>  | Approval of Appropriation Ordinance No. 1362  | Mark Mitton    |
| <b>4. <u>ACTION ITEM</u></b>  | Approval of Budget Documents  | Mark Mitton    |
| <b>5. <u>ACTION ITEM</u></b>  | Dry Creek Outfitters Bass Tournament Sept 14 <sup>th</sup>  | Brad Perkins   |
| <b>6. <u>ACTION ITEM</u></b>  | Street Closure Sept 14 <sup>th</sup> Celebration of Mexico's Independence Day                             | Leidi Lira     |
| <b>7. <u>ACTION ITEM</u></b>  | Street Closure for Church Activity  | Linda Petersen |
| <b>8. <u>ACTION ITEM</u></b>  | Amendment of Law Enforcement Services Agreement   | Mark Mitton    |
| <b>9. <u>ACTION ITEM</u></b>  | Approval of DEQ Grant Documents & Conditions  | Mark Mitton    |
| <b>10. <u>ACTION ITEM</u></b> | Annexation of Real Property within the N1/2S1/2 Of Section 7 in T10S R23E BM (Owned by MJOBB,LLC)         | Bryan Reiter   |
| <b>11. <u>ACTION ITEM</u></b> | Annexation of Real Property within SW1/4 NW1/4 Of Section 28 in T10S R23 BM (owned by Highland Hills LLC) | Bryan Reiter   |
| <b>12. <u>ACTION ITEM</u></b> | Approval of Health Insurance Proposal   | Mark Mitton    |
| <b>13. <u>ACTION ITEM</u></b> | Annexation of Real Property within the N1/2S1/2 Of Section 7 in T10S R23E BM (Owned by Randy R Jones)     | Bryan Reiter   |
| <b>14. <u>ACTION ITEM</u></b> | Term Sheet for Fire Truck Loan  | Mark Mitton    |

**Information Items**

**NEW HIRE:**

Stensen Marchant

Water Operator Apprentice

\$13.89 per hour

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.

**SPECIAL AND REGULAR BURLEY CITY COUNCIL MEETING  
CITY HALL  
August 20, 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, Russell Mallory-joined by speaker phone, Bryce Morgan and Jon Anderson.

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, Fire Chief Shannon Tolman, Parks Supervisor Brent Winn, Golf Pro Scott Draper, Human Resource Carol Anderson and Deputy George Warrell.

**INVOCATION**

The Invocation was offered by Council member Casey Andersen 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 \$287,297.63.**
  - c. **PAYROLL ENDING 8/2/19 FOR \$152,415.19.**

**Information Items**

**NEW HIRE:**

Stensen Marchant	Water Operator Apprentice	\$13.89 per hour
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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.

## **PUBLIC HEARING ON 2019/2020 BUDGET**

Mayor Ormond said this is the time and place advertised for a public hearing on the 2019/2020 budget.

City Administrator Mark Mitton gave a brief presentation on the upcoming budget. He gave the historical trend of property taxes for the last five years and stated that there is a jump from 2018 to 2019 because of the library and street override levies. The budget does include the 3% general increase that is allowed by statute. The trend of the tax rate is .004. The largest general fund revenue comes from taxes followed by charges for services and then sales and liquor tax. Planned capital purchases for 2020 are a ¾ ton service truck in the electric department, two pickups in the water department along with the Burley Heyburn Industrial Park tank repairs and well 4 tank repairs, 2 side load garbage trucks in sanitation and two street sweepers. Wastewater projects are Park Avenue sewer line replacement, new service truck, 2<sup>nd</sup> dryer building improvements, skid steer and one lightweight truck.

Mayor Ormond opened the meeting up for a public hearing.

There was no one who spoke in favor or opposition to the proposed budget.

Resident Kim Seely asked which of the city services bring in the most revenue. Mr. Mitton stated the electrical department brings in about 9 million dollars.

Mayor Ormond then closed the public hearing.

## **APPROVAL OF APPROPRIATION ORDINANCE NO. 1362**

City Administrator Mark Mitton presented Council with Ordinance No 1362 and asked them for a motion to adopt it.

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. 1362 once by title only.

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.

City Administrator Mark Mitton then read Ordinance No. 1362 once by title only.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Ordinance No. 1362 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	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

### **APPROVAL OF BUDGET DOCUMENTS**

City Administrator Mark Mitton asked Council to approve the position allocation for each department for the city. He stated the only change from the current year is adding a fulltime person in wastewater for plant maintenance.

A motion was made by Council member Craner and seconded by Council member Jon Anderson to approve the position allocation chart identifying full time employee positions.

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.

### **DRY CREEK OUTFITTERS BASS TOURNAMENT SEPTEMBER 14<sup>TH</sup>**

Brad Perkins representing the Bass Tournament was unable to make it to the meeting. It was suggested that he come to the September 3<sup>rd</sup> meeting.

A motion was made by Council member Craner and seconded by Council member Hawkins to table this item until Brad can come to Council with his proposal.

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.

### **STREET CLOSURE SEPTEMBER 14<sup>TH</sup> FOR CELEBRATION OF MEXICO'S INDEPENDENCE DAY**

Leidi Lira representing La Hacienda restaurant asked Council to approve the closure of Oakley Avenue from the alley-way to Main Street for their 2<sup>nd</sup> annual Fiesta Mexicana party on September 14<sup>th</sup> from 5 P.M. to 10 P.M. They will have a DJ, food and games. It is open to the public and other vendors. They expect around 100 people and will provide their own security.

She provided Council with signatures from the surrounding businesses and the fire department giving their consent for the event and stated the Sheriff's department also approved the event.

A motion was made by Council member Jon Anderson and seconded by Council member Casey Andersen to approve the street closure as proposed for this event.

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.

### **STREET CLOSURE FOR CHURCH ACTIVITY**

Linda Petersen representing the Church of Jesus Christ of Latter Day Saints said the Burley Stake is celebrating their 100<sup>th</sup> birthday. They are planning a breakfast with activities and a program. They asked Council for permission to close the southern part of Hansen Avenue and the western edge of where Normal Avenue meets the LDS parking lot from 7 A.M. to 1 P.M. on September 14<sup>th</sup>.

A motion was made by Council member Jon Anderson and seconded by Council member Morgan to allow the street closure on the 14<sup>th</sup> from seven in the morning until approximately one in the afternoon.

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.

### **AMENDMENT OF LAW ENFORCEMENT SERVICES AGREEMENT**

City Administrator Mark Mitton said that the changes they talked about in the last meeting have been incorporated and asked Council for their approval of the amendment to the Law Enforcement Services Agreement.

A motion was made by Council member Morgan and seconded by Council member Hawkins to approve the amendments to the law enforcement agreement 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	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

### **APPROVAL OF DEQ GRANT DOCUMENTS & CONDITIONS**

City Administrator Mark Mitton presented Council with an agreement that will allow us to get two new street sweepers and two new garbage trucks. This grant will give us a 40% reimbursement on all four vehicles. The grant money comes from the Volkswagen settlement. The agreement states that the old vehicles cannot be handed down and we have to follow the rules on how to scrap them. He stated we have worked with DEQ, they have approved the vehicles and we need this agreement signed to move forward in the process.

A motion was made by Council member Craner and seconded by Council member Morgan to approve the DEQ grant documents as presented 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	Russell Mallory	Lost Connection did not vote
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

### **ANNEXATION OF REAL PROPERTY WITHIN THE N1/2 S1/2 OF SECTION 7 IN T10S R23E BM (OWNED BY MJOBB, LLC) and ANNEXATION OF REAL PROPERTY WITHIN THE N1/2S1/2 OF SECTION 7 IN T10S R23E BM (OWNED BY RANDY R JONES)**

Engineer Bryan Reiter stated that this item and item #13 (annexation owned by Randy R Jones) go together. He explained they are both a Category A annexation because the owners have requested it, and it does not require a public hearing. They are both located in Minidoka County between 700 West and 750 West. The first parcel is owned by MJOBB, LLC and is a 6.76-acre parcel. The second parcel is owned by Randy R Jones and is a 10.39-acre parcel. Both Consent to Annexations have been signed and recorded and are on file in the City Clerk's office. It was stated that C-2 is the zoning for that area.

A motion was made by Council member Craner and seconded by Council member Morgan to approve the annexation of N1/2 of S1/2 of Section 7 in the T10S R23E BM owned by MJOBB and approve the annexation N1/2 of S1/2 of Section 7 in T10S R23E BM owned by Randy R Jones.

Roll Call Vote:

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	Lost Connection did not vote
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

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. 1363 once by title only.

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.

City Attorney Dave Shirley then read Ordinance No. 1363 once by title only.


A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Ordinance No. 1363 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	Russell Mallory	Aye
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

Instrument # 551403  
MINIDOKA COUNTY, RUPERT, IDAHO  
8-21-2019 03:43:15 PM No. of Pages: 6  
Recorded for : CITY OF BURLEY  
TONYA PAGE Fee: 0.00  
Ex-Officio Recorder Deputy 

ORDINANCE NO. 1363

AN ORDINANCE OF THE CITY OF BURLEY, IDAHO; ANNEXING ADJACENT AND CONTIGUOUS LANDS LOCATED IN MINIDOKA 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 MINIDOKA COUNTY AND THE IDAHO STATE TAX COMMISSION; PROVIDING THAT A COPY OF SAID MAP AND LEGAL DESCRIPTION BE RECORDED WITH THE MINIDOKA COUNTY RECORDER AND FILED WITH THE MINIDOKA COUNTY ASSESSOR AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

PREAMBLE

WHEREAS the following parcels of land described on Exhibits "A" and "B", when combined, are adjacent and contiguous to the City of Burley in Minidoka County, Idaho; and

WHEREAS the owners of the parcels 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 August 20, 2019;

NOW, THEREFORE:

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

Section 1. The following described real estate in Minidoka County, Idaho, shall be and the same is hereby annexed to the City of Burley:

See Exhibit "A" and Exhibit "B" 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 Minidoka 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 Minidoka County Assessor, the Minidoka 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 8-20-19

APPROVED 8-21-19

CITY OF BURLEY

  
Steve Ormond - Mayor

ATTEST:

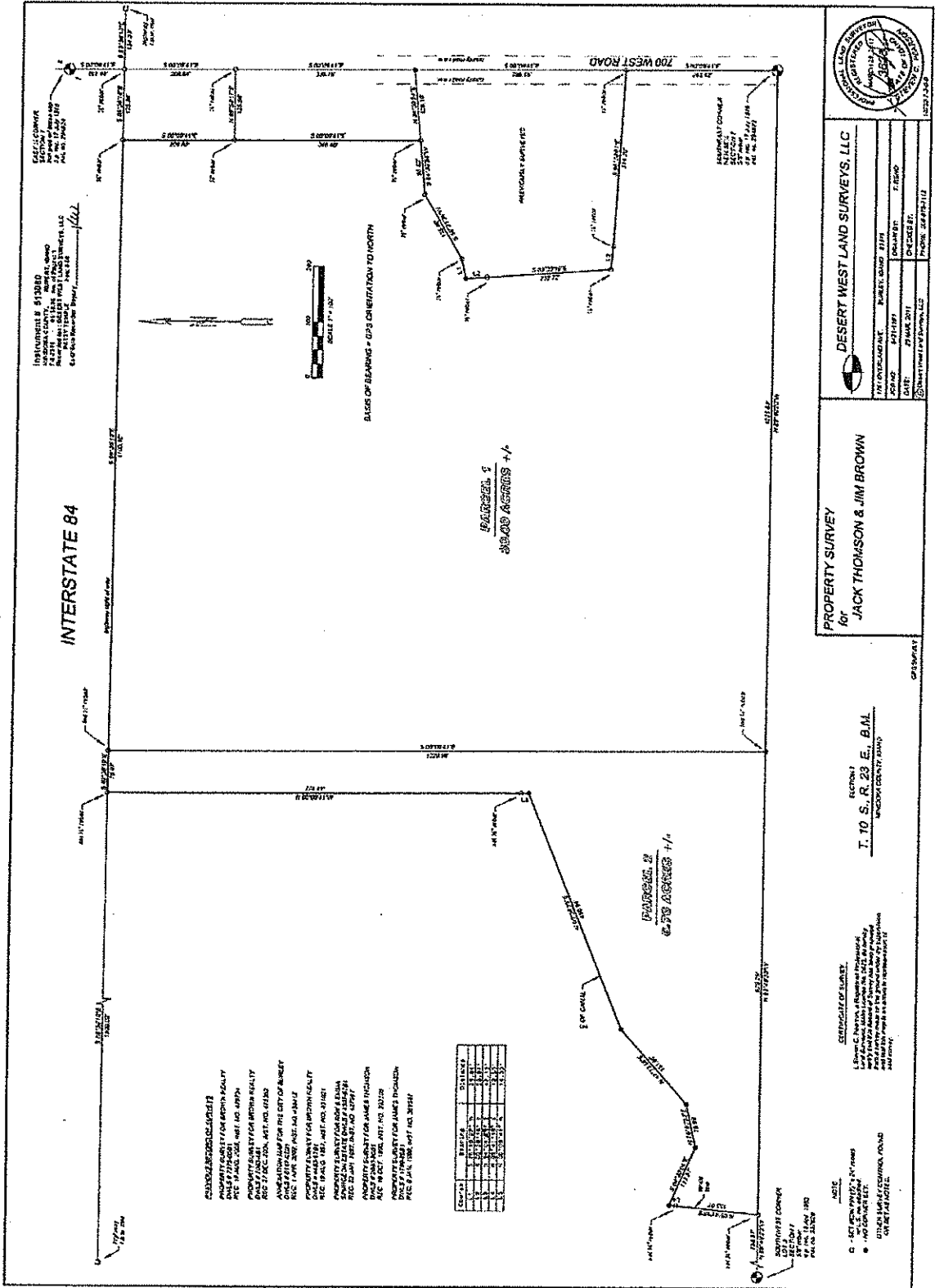
Ellen Maier  
Ellen Maier - City Clerk

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN, MINIDOKA COUNTY, IDAHO

Section 7: Part of the N $\frac{1}{2}$ S $\frac{1}{2}$ , described as follows:

Beginning at the Southeast corner of the N $\frac{1}{2}$ S $\frac{1}{2}$  of Section 7 said corner marked by a 5/8 inch rebar; Thence North 89°49'20" West along the South line of the N $\frac{1}{2}$ S $\frac{1}{2}$  for a distance of 1225.83 feet to a ½ inch rebar which shall be THE POINT OF BEGINNING;  
Thence North 89°49'20" West along the South line of the N $\frac{1}{2}$ S $\frac{1}{2}$  for a distance of 829.26 feet to a ½ inch rebar;  
Thence North 05°41'16" East for a distance of 155.07 feet to a ½ inch rebar;  
Thence North 05°41'16" East for a distance of 12.53 feet to the centerline of a canal;  
Thence South 64°30'04" East along said centerline for a distance of 113.57 feet;  
Thence North 76°40'32" East along said centerline for a distance of 78.89 feet;  
Thence North 47°13'46" East along said centerline for a distance of 181.97 feet;  
Thence North 65°58'25" East along said centerline for a distance of 458.94 feet;  
Thence North 00°09'41" West for a distance of 14.33 feet to a ½ inch rebar;  
Thence North 00°09'41" West for a distance of 774.41 feet to a ½ inch rebar on the South right of way of Interstate 84;  
Thence South 89°36'10" East along said right of way for a distance of 76.07 feet to a ½ inch rebar;  
Thence South 00°09'41" East for a distance of 1229.96 feet to THE POINT OF BEGINNING.

**EXHIBIT "A"**



INSTRUMENT # 913080  
 SECTION 31.114  
 RECORD 10041  
 COUNTY OF MARICOPA, ARIZONA  
 DESERT WEST LAND SURVEYS, LLC  
 4500 W. WILSON AVENUE  
 SUITE 100  
 PHOENIX, ARIZONA 85034

INTERSTATE 84

200 WEST ROAD

BASELINE BEARINGS - GPS ORIENTATION TO NORTH

PARCELS 1  
 38.00 ACRES +/-

PARCELS 2  
 6.75 ACRES +/-

- PROPERTY SURVEY FOR BROWN REALTY AND JAMES THOMSON AND JIM BROWN
- PROPERTY SURVEY FOR BROWN REALTY AND JAMES THOMSON AND JIM BROWN
- PROPERTY SURVEY FOR BROWN REALTY AND JAMES THOMSON AND JIM BROWN
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STATION	BEARING	DISTANCE	REMARKS
1	S 17° 30' 00" W	120.00	INTERSECTION
2	S 89° 59' 59" W	100.00	INTERSECTION
3	S 17° 30' 00" W	120.00	INTERSECTION
4	S 89° 59' 59" W	100.00	INTERSECTION
5	S 17° 30' 00" W	120.00	INTERSECTION
6	S 89° 59' 59" W	100.00	INTERSECTION



DESERT WEST LAND SURVEYS, LLC  
 4500 W. WILSON AVENUE, SUITE 100, PHOENIX, ARIZONA 85034  
 PHONE: 602.998.1112

PROPERTY SURVEY  
 for  
 JACK THOMSON & JIM BROWN

SECTION  
 T. 10 S., R. 23 E., B.M.  
 MARICOPA COUNTY, ARIZONA

STATE OF ARIZONA  
 I, JAMES THOMSON, LICENSE NO. 11720, MECHANICAL ENGINEER, DO HEREBY CERTIFY THAT THIS SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A duly Licensed Professional Engineer in the State of Arizona.

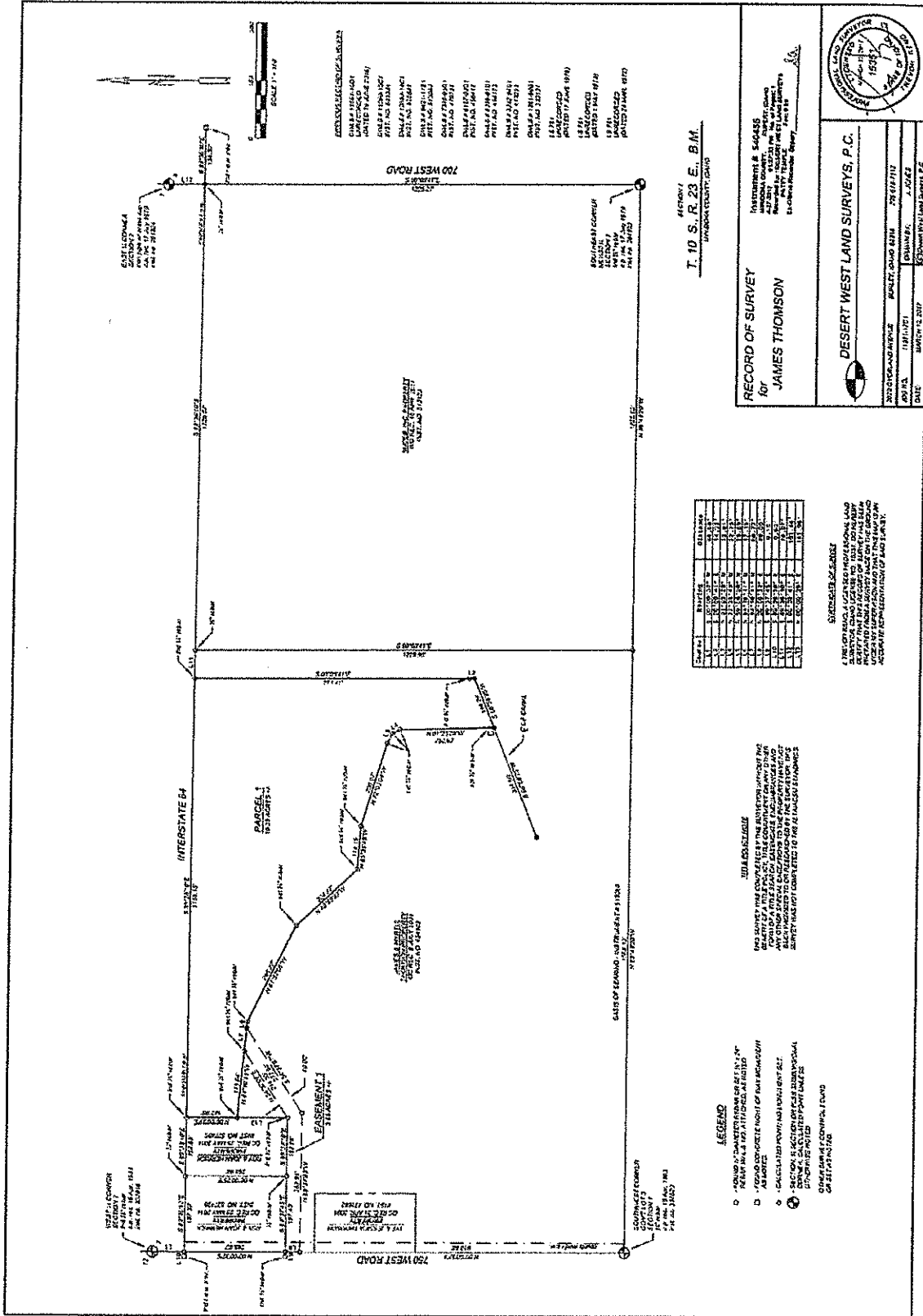
NOTE  
 1. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.  
 2. ALL BEARINGS ARE TRUE BEARINGS.  
 3. ALL CURVES ARE FULL CIRCLES UNLESS OTHERWISE NOTED.  
 4. ALL POINTS ARE TO BE SET IN CONFORMANCE WITH THE SURVEY PLAN.

TOWNSHIP 10 SOUTH, RANGE 23 EAST OF THE BOISE MERIDIAN,  
MINIDOKA COUNTY, IDAHO

Section 7: Part of the N $\frac{1}{2}$ S $\frac{1}{2}$ , more particularly described as follows:

Beginning at the West  $\frac{1}{4}$  corner of Section 7 said corner marked by a  $\frac{5}{8}$  inch rebar; Thence South 00°00'32" West along the west line of Section 7 for a distance of 88.66 feet to the southerly right-of-way of Interstate 84; Thence South 89°36'10" East along said right-of-way for a distance of 350.27 feet to a  $\frac{1}{2}$  inch rebar which shall be the Point of Beginning;  
Thence South 89°36'10" East along the southerly right-of-way of Interstate 84 for a distance of 1158.16 feet to a  $\frac{1}{2}$  inch rebar;  
Thence South 00°09'41" East for a distance of 774.41 feet to a  $\frac{1}{2}$  inch rebar;  
Thence South 00°09'41" East for a distance of 14.33 feet to the centerline of a canal;  
Thence South 66°58'25" West along said centerline for a distance of 144.28 feet;  
Thence North 01°23'20" West for a distance of 12.61 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 01°23'20" West for a distance of 252.63 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 27°35'43" West for a distance of 22.73 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 59°06'20" West for a distance of 28.89 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 72°03'04" West for a distance of 230.07 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 85°39'48" West for a distance of 114.15 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 40°59'39" West for a distance of 224.82 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 61°57'05" West for a distance of 286.22 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 84°10'11" West for a distance of 253.51 feet to a  $\frac{1}{2}$  inch rebar;  
Thence North 08°00'39" East (North 08°02'02" West, rec.) for a distance of 142.99 feet to the Point of Beginning.

EXHIBIT "B"



T. 10 S., R. 23 E., B.M.

**RECORD OF SURVEY**  
for  
**JAMES THOMSON**



**DESSERT WEST LAND SURVEYS, P.C.**

3030 ROCKLAND AVENUE SUITE 200 LAS VEGAS, NV 89115  
 PHONE: 702.735.1111 FAX: 702.735.1112  
 DATE: 08/12/2018 SURVEY NO: 2018-0012  
 DRAWN BY: J. JOSE  
 CHECKED BY: J. JOSE

Point	Bearing	Distance
1	N 0° 00' 00" E	10.00
2	N 90° 00' 00" E	10.00
3	S 0° 00' 00" E	10.00
4	S 90° 00' 00" E	10.00
5	N 0° 00' 00" E	10.00
6	N 90° 00' 00" E	10.00
7	S 0° 00' 00" E	10.00
8	S 90° 00' 00" E	10.00
9	N 0° 00' 00" E	10.00
10	N 90° 00' 00" E	10.00
11	S 0° 00' 00" E	10.00
12	S 90° 00' 00" E	10.00
13	N 0° 00' 00" E	10.00
14	N 90° 00' 00" E	10.00
15	S 0° 00' 00" E	10.00
16	S 90° 00' 00" E	10.00
17	N 0° 00' 00" E	10.00
18	N 90° 00' 00" E	10.00
19	S 0° 00' 00" E	10.00
20	S 90° 00' 00" E	10.00

**DISCLAIMER**  
THIS SURVEY IS A LIMITED PROFESSIONAL LAND SURVEY. IT IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF DESSERT WEST LAND SURVEYS, P.C. THE SURVEYOR MAKES NO WARRANTY, REPRESENTATION OR GUARANTEE OF ANY KIND, EXPRESS OR IMPLIED, REGARDING THE ACCURACY OR COMPLETENESS OF THIS SURVEY.

**ADDITIONAL NOTES**  
NO SURVEY HAS BEEN MADE BY THIS SURVEYOR WITHIN THE BOUNDS OF THIS PARCEL. THIS SURVEYOR HAS ONLY VISUAL INSPECTION AND HAS NOT CONDUCTED ANY FIELD SURVEY. THIS SURVEY HAS NOT BEEN COMPLETED TO THE FULL SURVEY STANDARDS.

- LEGEND**
- POINTS AS SHOWN ON THIS SURVEY
  - EASEMENTS AS SHOWN ON THIS SURVEY
  - ⊖ CALCULATED POINTS AS SHOWN ON THIS SURVEY
  - ⊕ CALCULATED POINTS AS SHOWN ON THIS SURVEY
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  - ⊙ CALCULATED POINTS AS SHOWN ON THIS SURVEY

**ANNEXATION OF REAL PROPERTY WITHIN SW1/4 NW1/4 OF SECTION 28 IN T10S R23 BM (OWNED BY HILAND HILLS LLC)**

Engineer Bryan Reiter stated that this proposed annexation is just East of Hiland and just North of Stevens Place. It is zoned R1 and R2 and is set to go before planning and zoning tomorrow to see if their recommendation for zoning will change. This is a 1.21-acre parcel. Hiland Hills has requested the annexation, the Consent to Annexation has been recorded and is on file with the City Clerk.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to dispense with the rule requiring three separate readings and read Ordinance No. 1364 once by title only.

**Roll Call Vote:**

The results of the votes were as follows:

Casey Andersen	Aye	Randy Hawkins	Aye
Jon Anderson	Aye	Russell Mallory	lost signal did not vote
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

City Attorney Dave Shirley then read Ordinance No. 1364 once by title only.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve Ordinance No. 1364 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	Russell Mallory	lost signal did not vote
John Craner	Aye	Bryce Morgan	Aye

Motion carried.

ORDINANCE NO. 1364

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 owner of the parcel has 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 August 20, 2019;

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.

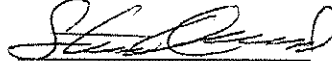
Section 5. The City Clerk is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Cassia County Auditor, Treasurer, Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared 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 8-20-19

APPROVED 8-21-19

CITY OF BURLEY



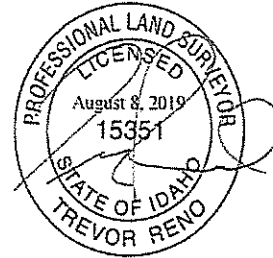
Steve Ormond - Mayor

ATTEST:

Ellen Maier  
Ellen Maier - City Clerk



August 8, 2019  
JOB # 13286-19C1  
CITY OF BURLEY SURVEY



PARCEL 1

L E G A L   D E S C R I P T I O N

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

Beginning at the West  $\frac{1}{4}$  Corner of Section 28 in T.10 S., R.23 E., B.M. said corner marked by a  $\frac{3}{8}$ " rebar with a 3" aluminum cap on top; Thence North 00 degrees 01 minutes 00 seconds East (N 00°07'18" W, Rec.) along the west line of Section 28 for a distance of 657.95 feet to a  $\frac{1}{2}$ " rebar; Thence South 89 degrees 07 minutes 00 seconds East (S 89°16'10" E, Rec.) for a distance of 125.00 feet (124.97', Rec.) to a  $\frac{1}{2}$ " rebar; Thence North 80 degrees 26 minutes 33 seconds East (N 80°17'10" E, Rec.) for a distance of 25.11 feet to a  $\frac{1}{2}$ " rebar which shall be the Point of Beginning;

THENCE North 00 degrees 01 minutes 00 seconds East for a distance of 141.37 feet to a  $\frac{1}{2}$ " rebar;

THENCE South 89 degrees 19 minutes 47 seconds East for a distance of 379.64 feet to a  $\frac{1}{2}$ " rebar;

THENCE South 00 degrees 57 minutes 10 seconds West for a distance of 214.05 feet to a  $\frac{1}{2}$ " rebar;

THENCE along a non-tangent curve to the left for a distance of 17.61 feet to a  $\frac{1}{2}$ " rebar, said curve having a radius of 30.00 feet, a delta angle of 33 degrees 37 minutes 36 seconds, and a long chord bearing of South 62 degrees 19 minutes 36 seconds West for a distance of 17.36 feet;

THENCE along a curve to the right for a distance of 7.23 feet to a  $\frac{1}{2}$ " rebar, said curve having a radius of 10.00 feet, a delta angle of 41 degrees 23 minutes 56 seconds, and a long chord bearing of South 66 degrees 47 minutes 06 seconds West for a distance of 7.07 feet;

THENCE South 86 degrees 57 minutes 34 seconds West for a distance of 27.17 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 11 minutes 08 seconds West (N 0°14'49" W, Rec.) for a distance of 103.28 feet to a  $\frac{1}{2}$ " rebar;

THENCE North 89 degrees 06 minutes 04 seconds West (N 89°13'32" W, Rec.) for a distance of 223.46 feet (223.62', Rec.) to a  $\frac{1}{2}$ " rebar;

(Con't on Page 2)

EXHIBIT "A" Page 1

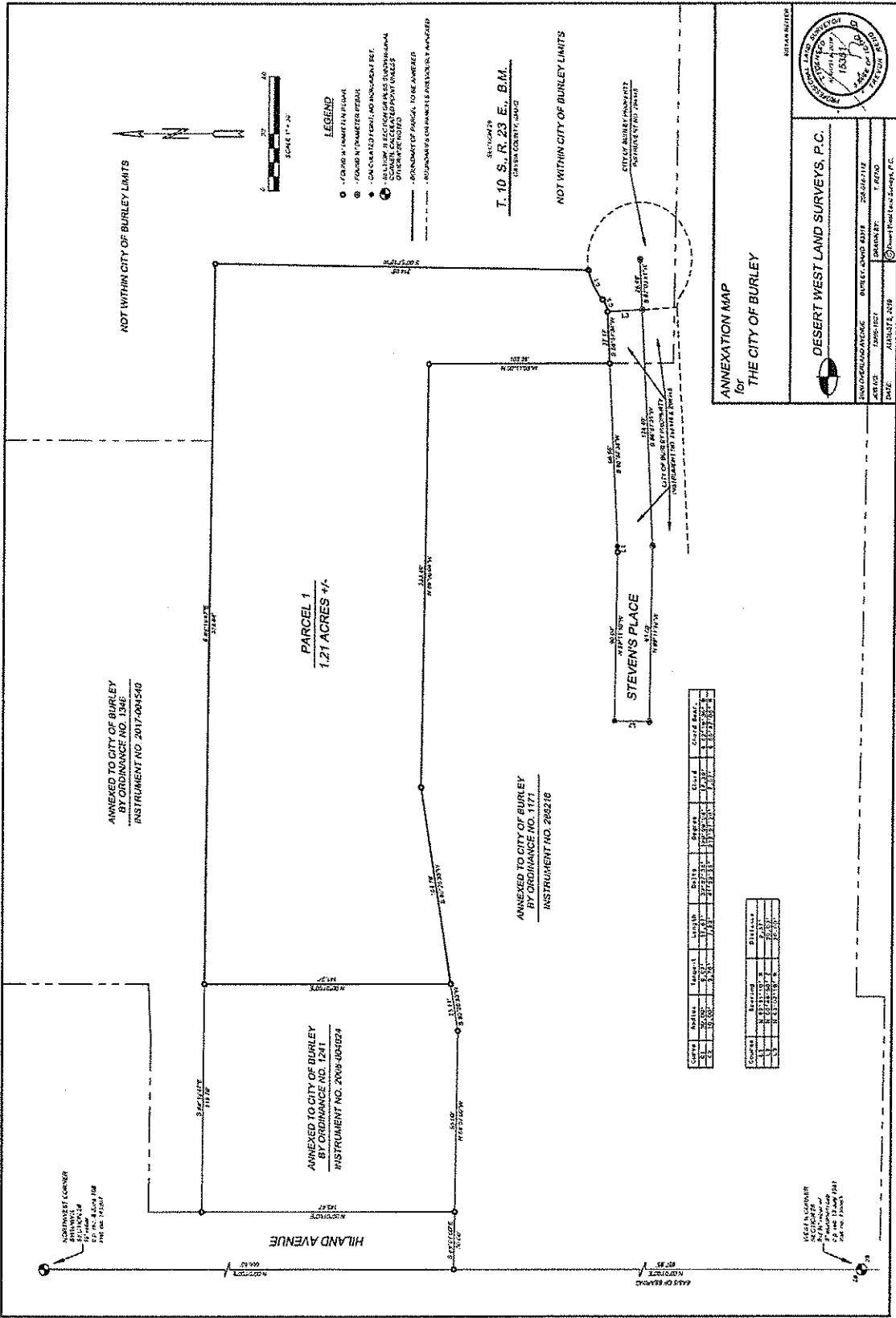
August 8, 2019  
JOB # 13286-19C1  
CITY OF BURLEY SURVEY

PARCEL 1 (Con't)  
Page 2

THENCE South 80 degrees 26 minutes 33 seconds West (S  
80°17'10" W, Rec.) for a distance of 104.79 feet to the Point Of  
Beginning.

Said property contains 1.21 acres more or less.

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



- LEGEND**
- FOUND BY INSTRUMENT
  - FOUND BY MEASURED POINT
  - CALCULATED FROM AN INSTRUMENT REFERENCE POINT
  - CALCULATED FROM AN INSTRUMENT REFERENCE POINT
  - CALCULATED FROM AN INSTRUMENT REFERENCE POINT
  - CALCULATED FROM AN INSTRUMENT REFERENCE POINT

T. 10 S., R. 23 E., B.M.  
 TARRANT COUNTY, TEXAS

ANNEXATION MAP  
 for  
 THE CITY OF BURLEY



DESERT WEST LAND SURVEYS, P.C.  
 TARRANT COUNTY, TEXAS  
 INSTRUMENT NO. 285216  
 DATE: AUGUST 2018

Course	Angle	Length	Bearing	Area	Area	Area	Area
1	86°05'21.00"	113.10'	S 86°05'21.00" W	12.10	12.10	12.10	12.10
2	90°00'00.00"	113.10'	S 90°00'00.00" W	12.10	12.10	12.10	12.10
3	86°05'21.00"	113.10'	S 86°05'21.00" W	12.10	12.10	12.10	12.10
4	90°00'00.00"	113.10'	S 90°00'00.00" W	12.10	12.10	12.10	12.10
5	86°05'21.00"	113.10'	S 86°05'21.00" W	12.10	12.10	12.10	12.10
6	90°00'00.00"	113.10'	S 90°00'00.00" W	12.10	12.10	12.10	12.10
7	86°05'21.00"	113.10'	S 86°05'21.00" W	12.10	12.10	12.10	12.10
8	90°00'00.00"	113.10'	S 90°00'00.00" W	12.10	12.10	12.10	12.10

Course	Bearing	Distance
1	S 86°05'21.00" W	113.10'
2	S 90°00'00.00" W	113.10'
3	S 86°05'21.00" W	113.10'
4	S 90°00'00.00" W	113.10'
5	S 86°05'21.00" W	113.10'
6	S 90°00'00.00" W	113.10'
7	S 86°05'21.00" W	113.10'
8	S 90°00'00.00" W	113.10'

## **APPROVAL OF HEALTH INSURANCE PROPOSAL.**

City Administrator Mark Mitton stated that because of the tight budget and Blue Cross asking for a 13% increase he had our insurance broker get quotes that would not be an increase in premiums. He presented Council with the results and recommended switching back to Select Health. He said this is about a \$5,000.00 a month decrease in premiums. It was mentioned that the insurance should be very similar to what we have now and the out of pocket and deductibles will carry forward and the deductibles and co-pays will stay the same.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve the proposal to switch to Select Health for health insurance.

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.

## **TERM SHEET FOR FIRE TRUCK LOAN**

City Administrator Mark Mitton stated he has talked to a couple banks about financing the fire truck. He said the best proposal was from Zions Bank with a 2.15% fixed interest rate. If Council approves the term sheet, then they will prepare the loan documents to be approved at a future meeting.

Council member Craner stated that he works for Zions Bank and although he has not been involved with this loan he would like to abstain from the vote.

A motion was made by Council member Hawkins and seconded by Council member Morgan to approve the Zions Bank term sheet with the subsequent loan documents to be reviewed by the Attorney for approval.

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	Abstained	Bryce Morgan	Aye

Motion carried.

City Administrator Mark Mitton said the tennis court dedication will be held Friday the 23th at 6:00 P.M. and tournaments are scheduled for the 24<sup>th</sup>.


Council member Mallory said he participated in the Golf Tournament at the Rivers Edge Golf Course. It was the second annual Shaylon Schaffer Memorial Golf tournament with the main

sponsor being Lynch Oil. He said there were 37 teams and around 150 players. Mr. Mallory commended everyone involved.

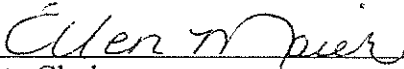
A motion was made by council member Casey Andersen and seconded by Council member Morgan to adjourn the meeting at 8:15 P.M.

All "Aye."  
Motion carried.

City of Burley

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

ATTEST:

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