

**REGULAR BURLEY CITY COUNCIL MEETING  
CITY HALL  
1401 Overland Avenue  
Burley, Idaho  
September 15, 2020**

**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 \$254,291.93.**

**c. PAYROLL ENDING ON 8/28/20 FOR \$258,494.92.**

- |                       |   |                |
|-----------------------|---|----------------|
| <b>2. ACTION ITEM</b> | Annex Well Site #5                          | Mark Mitton    |
| <b>3. ACTION ITEM</b> | Approval of Clearing House Policy           | Carol Anderson |
| <b>4. ACTION ITEM</b> | BPA Metering Contract Revision              | Brent Wallin   |
| <b>5.</b>             | Report and Discussion of Recent City Events |                |

**Information Items**

**BUILDING PERMITS:**

Brent Mitchell Construction	1071 Maplewood St	Single Family	\$134,999.00
Wolverton Homes	957 Magnolia St	Single Family	\$132,200.00

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**REGULAR BURLEY CITY COUNCIL MEETING  
CITY HALL  
September 15, 2020**

**COMMENCE MEETING**

Council met in regular session at 7:00 p.m. with Mayor Ormond presiding. Council members present were Casey Andersen, Jon Anderson, John Craner, Janet Hansen, Bryce Morgan and Kimberli Seely.

City Staff present were as follows: City Administrator Mark Mitton, City Clerk Ellen Maier, Attorney Dave Shirley, Sexton Dave Allred, Waste Water Treatment Director Dee Hodge, Engineer Dave Waldron, Building Inspector Gary Pawson, Engineer Bryan Reiter, Electrical Supervisor Brent Wallin, Librarian Tayce Robinson, HR Director Carol Anderson, Firemen Casey Harman and Nathan Brown were also in attendance.

**INVOCATION**

The Invocation was offered by Council member Seely 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 \$254,291.93.**
  - c. **PAYROLL ENDING 8/28/20 FOR \$258,494.92**

**Information Items**

**BUILDING PERMITS:**

Brent Mitchell Construction	1071 Maplewood St	Single Family	\$134,999.00
Wolverton Homes	957 Magnolia St	Single Family	\$132,200.00

A motion was made by Council member Craner 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	Janet Hansen	Aye
Jon Anderson	Aye	Bryce Morgan	Aye
John Craner	Aye	Kimberli Seely	Aye

Motion carried.

**ANNEX WELL SITE #5**

City Engineer Bryan Reiter asked Council to approve the annexation of well site #5 that is just across from Sandy Glen and south of 27<sup>th</sup> street. This well site has been there since the 1970's and the field adjacent to it has already been annexed by the request of Orton's. Mr. Reiter stated that this is just a matter of bringing our own property into the city and that it will be used as part of the broadband grant project.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to suspend the rule requiring three separate readings and read Ordinance No. 1374 once by title only.

**Roll Call Vote:**

The results of the votes were as follows:

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

Motion carried.

City Engineer Bryan Reiter then read Ordinance No. 1374 once by title only.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to approve Ordinance No. 1374 and allow the Mayor and Clerk to sign it.

**Roll Call Vote:**

The results of the votes were as follows:

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

Motion carried.

Instrument # 202004867  
BURLEY, CASSIA, IDAHO  
9-18-2020 01:58:37 PM No. of Pages: 4  
Recorded for : CITY OF BURLEY  
JOSEPH LARSEN Fee: 0.00 CV  
Ex-Officio Recorder Deputy  
Index to: ORDINANCE

ORDINANCE NO. 1374

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 is the City of Burley and the City Council of the City of Burley hereby consents to annexation as set forth herein;

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, 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 which is R-3.

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 September 15, 2020

APPROVED September 15, 2020

CITY OF BURLEY

  
Steve Ormond - Mayor

ATTEST:

Ellen Maier  
Ellen Maier - City Clerk

L E G A L   D E S C R I P T I O N

Part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the Southwest Corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 32 in T.10 S., R.23 E., B.M. said corner marked by a  $\frac{3}{8}$ " rebar which shall be the Point of Beginning;

THENCE North 00 degrees 07 minutes 33 seconds West along the west line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  for a distance of 386.39 feet to a  $\frac{3}{8}$ " rebar;

THENCE South 89 degrees 29 minutes 44 seconds East for a distance of 260.00 feet to a  $\frac{3}{8}$ " rebar;

THENCE South 00 degrees 07 minutes 33 seconds East for a distance of 386.39 feet to a  $\frac{3}{8}$ " rebar on the south line of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

THENCE North 89 degrees 29 minutes 44 seconds West along said 1/16 section line for a distance of 260.00 feet to the Point Of Beginning.

Said property contains 2.31 acres more or less and is subject to any easements or right of ways, existing or of record.

EXHIBIT "A"

**FURTHER REMARKS**

(A) THE PURPOSE OF THIS SURVEY WAS TO ESTABLISH THE BOUNDARIES OF THAT PORTION OF GROUND DESCRIBED ON DEED INSTRUMENT NO. 10318 PALM.

(B) THIS SECTION IS A RETAILER OPTION AND HAS BEEN FORMED ACCORDING TO THE CONVEYANCE BY INSTRUMENT INSTRUCTIONS.

SECTION 11, SECTION 12, SECTION 13 AND SECTION 14 WERE SET PROBABLY BY OTHER SURVEYS. WHILE BEING FORMED AS INDIVIDUAL PLOTTED PARCELS AND WERE FOUND TO BE IN ALIGNMENT WITH THE GOVERNMENT SURVEY OF THIS SECTION. SURVEYS CITED IN THE PROCEEDS OF THIS SURVEY ARE LISTED IN THE PREVIOUS RECORDS OF SURVEY DATE, ACCORDING TO THE PROCEEDS OF THIS SURVEY ARE LISTED ON THE FACE OF THIS MAP AT THEIR RESPECTIVE LOCATIONS.

**134TH CANTON OF SURVEY**

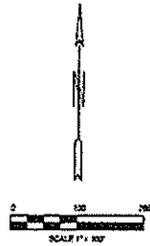
I, TRAVER BIRD, A LICENSED PROFESSIONAL LAND SURVEYOR, AND LICENSE NO. 11311, DO HEREBY CERTIFY THAT THIS RECORD OF SURVEY HAS BEEN PREPARED FROM A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

**SURVEYOR'S NOTE**

THIS SURVEY WAS COMPLETED BY THE SURVEYOR IN ACCORDANCE WITH THE REVENUE OF A TITLE POLICY, TITLE COMMITMENT OR ANY OTHER FORM OF A TITLE GUARANTEE PROVIDED TO THE SURVEYOR, EMBARRASSED AND ANY OTHER SPECIAL EXCEPTIONS TO THE PROPERTY HAVE NOT BEEN PROVIDED TO OR SPECIALLY PREPARED BY THE SURVEYOR. THIS SURVEY WAS NOT COMPLETED TO THE A-T-S STANDARD. SURVEYED PROPERTY IS SUBJECT TO ALL CASUALTY, ENCUMBRANCES AND ANY OTHER SPECIAL EXCEPTIONS UNLESS SPECIFICALLY NOTED ON PUBLIC RECORDS. THIS SURVEY IS SUBJECT TO LOCAL PROVISIONS SET FORTH BY CITY AND COUNTY AGENCIES AND DOES NOT GUARANTEE COMPLIANCE WITH LOCAL ORDINANCES.

**PREVIOUS RECORDS OF SURVEYS**

- 5-1 ACCT. NO. 20100
- 5-2 ACCT. NO. 201000136
- 5-3 ACCT. NO. 201000044
- 5-4 ACCT. NO. 201000282
- 5-5 ACCT. NO. 201000278
- 5-6 ACCT. NO. 20100
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- 5-99 ACCT. NO. 20100
- 5-100 ACCT. NO. 20100



**LEGEND**

- SET N° N° NEAR W/L'S NO ATTACHED.
- SECTION 11 SECTION OR FINE SUBDIVISION CORNER CALCULATED POINT UNLESS OTHERWISE NOTED.
- SURVEYED BOUNDARY / MODEL LINE
- PROPOSED RIGHT OF WAY
- EASTMENT LINE

SECTION 12  
T. 10 S., R. 23 E., B.M.  
CLARK COUNTY, IOWA

RECORD OF SURVEY  
for  
CITY OF BURLEY

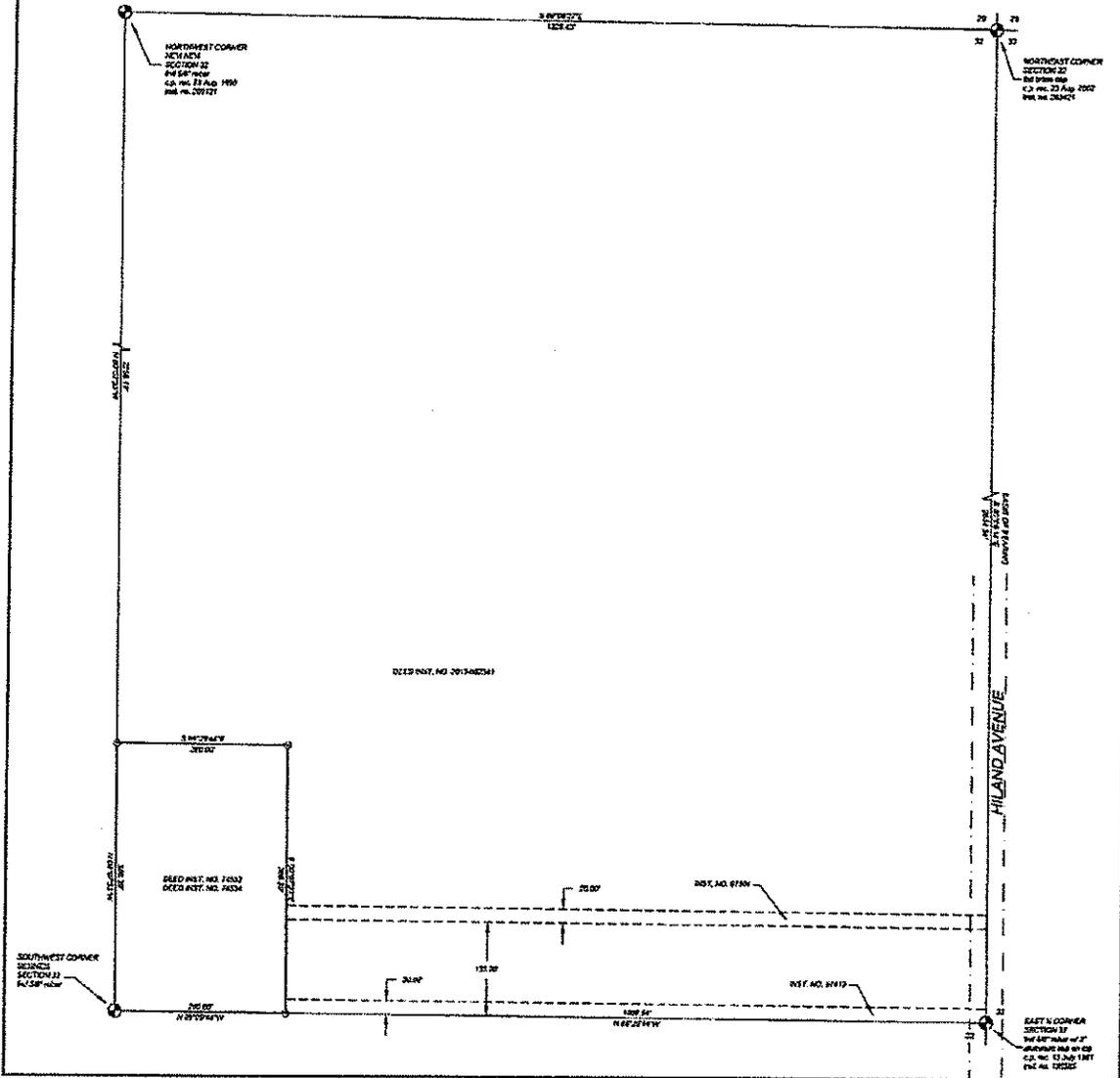


DESERT WEST LAND SURVEYS, P.C.

DESIGNER: TRAVER BIRD  
DATE: 10/11/11

CHECKED: TRAVER BIRD  
DATE: 10/11/11

DATE: 10/11/11



## **APPROVAL OF CLEARING HOUSE POLICY**

Human Resource Director Carol Anderson asked Council to approve adding the DOT Drug & Alcohol Policy Addendum to the Personal Policy. She stated that this is a new federal requirement for drivers with a CDL license. Each driver must register with the clearing house and the city must do a query each year on current employees and upon hiring any employee with a CDL license. This will let the employer know if a CDL driver has any violation and/or drug or alcohol testing data on their record.

A motion was made by Council member Morgan and seconded by Council member Hansen to approve the policy amendment for the clearing house.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

## **BPA METERING CONTRACT REVISION**

Electrical Supervisor Brent Wallin asked Council to approve Revision No. 2, Exhibit E with Bonneville Power Administration for metering at the Burley Substation. He stated that for \$84,000.00 the City of Burley purchased the second half of the substation behind Bobcat Corner that we co owned with United Electric. He stated that United disconnected their electrical at that site and that what he did not realize is that there are two metering points and that we were using power that we did not sign up for. The proposed contract acknowledges that the City of Burley is responsible for the meters at the site.

A motion was made by Council member Jon Anderson and seconded by Council member Morgan to allow the Mayor to sign on behalf of the City of Burley and approve Revision No. 2, Exhibit E on the metering.

Roll Call Vote:

The results of the votes were as follows:

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

Motion carried.

## REPORT AND DISCUSSION OF RECENT CITY EVENTS

Mayor Ormond thanked Dry Creek Outfitters. He said they are a great group of people and that they did a great job honoring the veterans. He also thanked City workers for tree clean up after the major wind storm on Monday. Mayor Ormond had Fireman Harman talk about the fire engine and three firemen that went to Oregon.

Fireman Harman said they were dispatched to the Eco Mountain fire west of Salem Oregon on Saturday afternoon and will be on a two-week deployment. He stated they are surveying burned homes and also working with a BLM GPS program mapping each structure. He also mentioned the fire in the South hills has burned 24,800 acres so far.

Council member Craner said he went to the farmer's market and that he feels it is a great addition to the city.

Council member Casey Andersen said the Bass Tournament has a substantial impact on our economy because of the turnout.

Council member Hansen said she walked the green belt from the Credit Union to the boat docks. She said the concrete is in and the grass is growing and it is very nice.

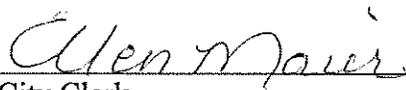
A motion was made by council member Casey Andersen and seconded by Council member Morgan to adjourn the meeting at 7:29 P.M.

All "Aye."  
Motion carried.

City of Burley

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

ATTEST:

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