

**SPECIAL BURLEY CITY COUNCIL MEETING
CITY HALL
1401 Overland Avenue
Burley, Idaho
November 4, 2020**

SPECIAL MEETING

AGENDA

SPECIAL 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** Old Year \$518,871.88 New Year \$238,997.38 Broadband \$150,521.60
TOTAL PAYABLES \$908,390.86
 - c. PAYROLL ENDING ON 10/23/20 FOR \$338,282.64.**

- 2. ACTION ITEM** Appoint Amanda Ross to Library Board Mayor Ormond
- 3. ACTION ITEM** Approve Res. 9-20 Adopting Electric Rate Fees Brent Wallin
- 4. ACTION ITEM** Renewal of Cemetery Mower Lease Dave Allred
- 5. ACTION ITEM** Approval of Lease for Digesters at Industrial Plant Mark Mitton
- 6. ACTION ITEM** Acceptance of Easement from KJM2 Hospitality, LLC Bryan Reiter
In the SE1/4 of Section 8 in T10S R23E BM
- 7. ACTION ITEM** Library 2 Year Override Levy for May Election Tayce Robinson
- 8. ACTION ITEM** Olaf Moller Painting Declared as Surplus Tayce Robinson
- 9. ACTION ITEM** Annexation of Real Property (Owned by South Hills Development LLC)
Within the N1/2N1/2SW1/4NE1/4 of Section 32 in T10S R23E BM Bryan Reiter

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

Information Items

BUILDING PERMITS:

Ace Real Estate & Investment	640 Burton Ave	Single Family	\$118,482.00
City of Burley	401 Hiland Ave	Communications Tower	\$ 17,500.00

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**SPECIAL BURLEY CITY COUNCIL MEETING
CITY HALL
November 4, 2020**

COMMENCE MEETING

Council met in special 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, Golf Pro Scott Draper, Engineer Dave Waldron, Engineer Bryan Reiter, Fire Chief Shannon Tolman, Electrical Supervisor Brent Wallin, Parks Supervisor Brent Winn, Librarian Tayce Robinson, and Sheriff George Warrell was also in attendance.

INVOCATION

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

CONSENT CALENDAR

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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.

APPOINT AMANDA ROSS TO LIBRARY BOARD

Mayor Steve Ormond asked Council to approve the appointment of Amanda Ross as a library board member as recommended by Librarian Tayce Robinson. This is to replace a vacant seat. Amanda Ross stated that her family enjoys utilizing the library and that she is glad to have the chance to serve.

Council member Casey Andersen said she has attended the meetings for the last couple of months and he feels she will be a great fit.

A motion was made by Council member Casey Andersen and seconded by Council member Morgan to appoint Amanda Ross to the library board.

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.

APPROVE RESOLUTION NO. 9-20 ADOPTING ELECTRIC RATE FEES

Electrical Supervisor Brent Wallin asked Council for their approval of Resolution No. 9-20 for a 2% electrical rate increase. He presented Council with a current bill from BPA showing \$387,375.00 that is billed for power per month and stated BPA will probably have a 2 % increase in October 2021. The bill also has a \$32,438.00 charge for transmission of the power that they are estimating a 22% increase. Overall this would equate to about a 3.5% increase. It was also mentioned that when the contract with BPA is up we can shop the market.

Council member Jon Anderson stated that at last meeting this proposed electric increase on 900 kilowatts would cost \$1.62.

A motion was made by Council member Hansen and seconded by Council member Morgan to approve Resolution No. 9-20.

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.

RESOLUTION 9-20

**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, and other services; and,

Whereas, the wholesale rate from the City's electrical power supplier has increased more than the fees originally set for the purchase of this commodity,

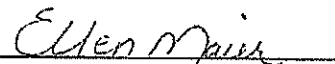
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLEY RESOLVES:

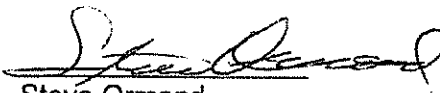
That new electrical fees are established as described below and that these increases fall below the 5% increase limit that requires a public hearing under Idaho Code.

Rate	Previous Fees	New Fees (2.0% increase on kWh only)
Residential		
Monthly Service Charge	\$14.25	\$14.25
	\$0.07444	\$0.07593
Commercial		
Single Phase		
Monthly Service Charge	\$30.00	\$30.00
Tier 1 0-15,000	\$0.07877	\$0.08034
Tier 2 15,001-400,000	\$0.05724	\$0.05839
Tier 3 400,000+	\$0.05180	\$0.05284
Commercial		
Three Phase		
Monthly Service Charge	\$40.00	\$40.00
Tier 1	\$0.07877	\$0.08034
Tier 2	\$0.05724	\$0.05839
Tier 3	\$0.05180	\$0.05284
City Rate	\$0.04931	\$0.05030
Yard Light	\$4.25	\$4.25

These fees will become effective on the next billing period and remain in effect until changed, modified, or repealed by the City Council of the City of Burley.

Approved this 4th day of November 2020.


Ellen Maier
City Clerk


Steve Ormond
Mayor

RENEWAL OF CEMETERY MOWER LEASE

Cemetery Director Dave Allred stated the lease is not ready and he will bring it back to Council in the near future.

APPROVAL OF LEASE FOR DIGESTERS AT INDUSTRIAL PLANT

City Administrator Mark Mitton said he would like to table this item until the next meeting.

ACCEPTANCE OF EASEMENTS FROM KJM2 HOSPITALITY, LLC IN THE SE1/4 OF SECTION 8 IN T10S R23E BM

City Engineer Bryan Reiter stated that in North Burley in the area where the new hotel is going up they have one of the proposed easements that is needed for the project ready for approval. He said it is for the sewer easement that is on the KJM2 property and goes to the new hotel. He stated that KJM2 has signed the document and has offered it to the city.

A motion was made by Council member Morgan and seconded by Council member Casey Andersen to approve the easement and road dedication.

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.

LIBRARY 2 YEAR OVERRIDE LEVY FOR MAY ELECTION

Librarian Tayce Robinson asked Council for their approval to start working with the attorney to get the next 2-year override levy ready for the May 2021 election ballot. He mentioned that it represents over 50% of their operating budget, it is dedicated to the children’s and youth librarian who manages all of the programs and funds the library support staff’s salaries. It allows for an IT person to be on site and helps with software and systems. They are now using the fund to build up the e-book and audio book collection.

A motion was made by Council member Morgan and seconded by Council member Hansen to start preparing the documents for the override levy.

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.

OLAF MOLLER PAINTINGS DECLARED AS SURPLUS

Librarian Tayce Robinson stated the Library Board and Councilmember Casey Andersen had some concerns about the paintings being declared as surplus. Mr. Robinson said that Olaf Moller's niece did not inherit any of her Uncles paintings and would like to purchase them. He stated the paintings have been in storage at the library for many years and would be worth around \$2,000.00.

Council member Casey Andersen read parts of a newspaper article from February 11, 1960 as follows.

Olaf Moller painting will adorn the interior of the new Burley Public Library thanks to an effort by the Burley High School Pallet Club. The student art group made an initial payment in providing the painting by the noted Heyburn artist. The clubs check was presented to the library board at its ceremonies yesterday. The people that were there were Patty Thaxton (President of the Art Club) Olaf Moller, Royce Tolman (Art Club Secretary) Mrs. Herman King (Representative of the Library Board) and Irene Buckley the Pallet Club Advisor. The Moller art piece is an oil painting of the Wood River setting. Over the years Moller won many awards for his paintings. Silver Leaf Poplar was selected for the 1940 World's Fair Exhibit. He also designed murals for the Carnegie Public Library in Boise. His paintings of the Tetons represented the West in States of the Union Collection at West Point New York. His work has been exhibited in the Lilly Bliss Collection in New York City, Agustana College in Rock Island, Illinois and Springville Museum of Art in Springville, Utah. University of Idaho, Boise Gallery of Art and many private collections.

Council member Casey Andersen said Olaf was born in 1903 and lived until 1987. He mentioned that in the 1930's Olaf was involved in the collection of paintings displayed in the Heyburn school. Andersen stated that we are very fortunate to have five pieces of his art, of which two are on display at the library. He said that the Library Board has taken no action on declaring these paintings as surplus. He said we are much better served to keep the paintings and possibly display them at City Hall. It was mentioned that City Hall might not be a secure place.

Kathleen Hedberg, a member of Friends of the Library and speaking as a historian, stated that there is no central location for historical items and documents to be displayed. During her research she found the Burley Library to have the most information and in the past has been our preserver of history. She feels the museum would be a very poor choice to display the paintings because the buildings are old and in the past have damaged paintings due to water damage and also no security. Mrs. Hedberg said it is common for items about 50-years old to disappear because they are not old enough to be antiques and peoples tastes change. She asked that care is taken that we not only preserve for the present, but also for the future.

Kim Fletcher, representing the Burley Public Library Foundation, said the foundation is hoping that the paintings can be kept at the library or City Hall. She said the library's mission is advance and preserve our local history. Mrs. Fletcher said the foundation would like to volunteer to find out what the history is on the paintings and put it in some sort of permanent records by way of plaque or commemorative framed information etc.

ANNEXATION OF REAL PROPERTY (OWNED BY SOUTH HILLS DEVELOPMENT LLC) WITHIN THE N1/2N1/2SW1/4NE1/4 OF SECTION 32 IN T10S R23E BM

City Engineer Bryan Reiter presented Council with a request by South Hills Development LLC to annex a 7.67-acre piece of land east of Overland Avenue and at the end of McBride Place and Almo Avenue. Mr. Reiter said it is contiguous to the city on both the North and East side and they will start to develop it immediately, once approved. He mentioned the signed consent to annexation is held by the City Clerk.

A motion was made by Council member Morgan and seconded by Council member Jon Anderson to suspense with the rule requiring three separate readings and read Ordinance No. 1375 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. 1375 once by title only.

A motion was made by Council member Casey Andersen and seconded by Council member Craner to approve Ordinance No. 1375 and allow the Mayor 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 # 202005711

BURLEY, CASSIA, IDAHO

11-5-2020 09:13:06 AM No. of Pages: 4

Recorded for : CITY OF BURLEY

JOSEPH LARSEN

Fee: 0.00

Ex-Officio Recorder Deputy

Index to: ORDINANCE

CV

ORDINANCE NO. 1375

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 November 4, 2020;

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.

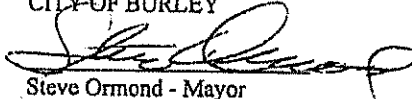
Section 5. The City Clerk is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Cassia County Auditor, Treasurer, Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared 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 Nov 4, 2020

APPROVED Nov 4, 2020

CITY OF BURLEY


Steve Ormond - Mayor

ATTEST:

Ellen Maier
Ellen Maier - City Clerk

LEGAL DESCRIPTION

Part of the $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ of Section 32 in Township 10 South, Range 23 East of the Boise Meridian, Cassia County, State of Idaho.

Beginning at the North $\frac{1}{4}$ Corner of Section 32, in T.10 S., R.23 E., B.M. said corner marked by a $\frac{1}{2}$ " rebar with a 2" aluminum cap; Thence South 00 degrees 09 minutes 51 seconds East along the west line of the $NE\frac{1}{4}$ for a distance of 1325.31 feet to the Northwest Corner of the $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$; Thence South 89 degrees 19 minutes 13 seconds East along the north line of the $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ for a distance of 316.87 feet to a $\frac{1}{2}$ " rebar which shall be the Point of Beginning;

THENCE South 89 degrees 19 minutes 13 seconds East along said line for a distance of 1010.61 feet to the Northeast Corner of the $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$;

THENCE South 00 degrees 07 minutes 33 seconds East along the east line of the $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ for a distance of 5.00 feet to a $\frac{1}{2}$ " rebar;

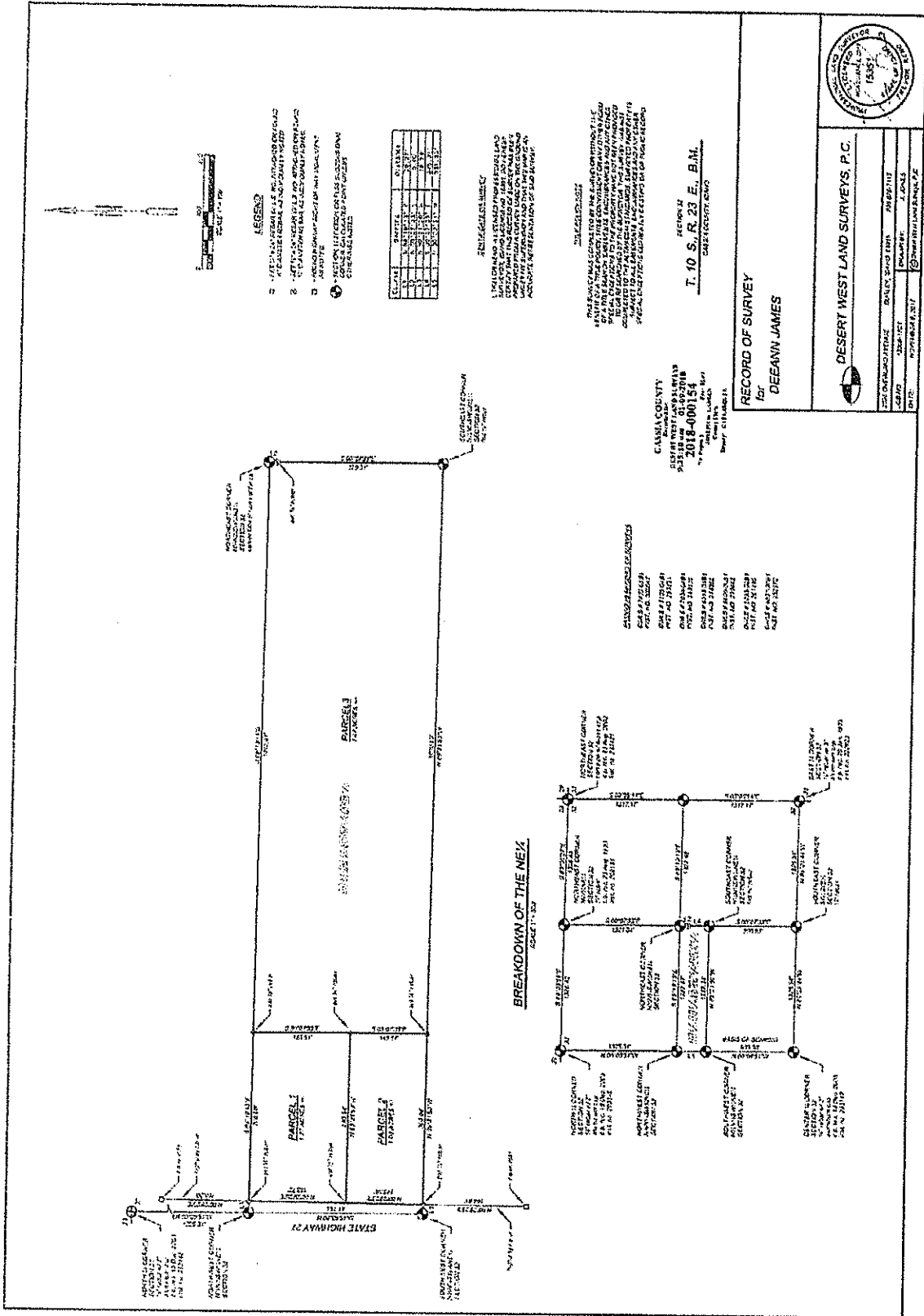
THENCE South 00 degrees 07 minutes 33 seconds East along said line for a distance of 325.31 feet to a $\frac{1}{2}$ " rebar at the Southeast Corner of the $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$;

THENCE North 89 degrees 21 minutes 50 seconds West along the south line of the $N\frac{1}{2}N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ for a distance of 1010.60 feet to a $\frac{1}{2}$ " rebar;

THENCE North 00 degrees 07 minutes 33 seconds West for a distance of 331.08 feet to the Point of Beginning.

Said property contains 7.67 acres more or less and is subject to any easements or right of ways, existing or of record.

EXHIBIT "A"



RECORD OF SURVEY
for
DEEANN JAMES

DESERT WEST LAND SURVEYS, P.C.
1000 N. GARDEN AVENUE, SUITE 100, GARDEN CITY, ARIZONA 85004
PHONE: 520-325-1234 FAX: 520-325-1234
WWW.DWLSSURVEYS.COM

CASA COUNTY
DESERT WEST LAND SURVEYS
PARCEL 177 ACRES
2018-000154
T. 10 S. R. 23 E. B.M. No. 15557
DEEANN JAMES, Surveyor

City Administrator Mark Mitton said the LMI (Low to Moderate Income) Survey has been completed and we are now qualified to receive block grants. Mr. Mitton also stated that they met with Commerce today and they were very pleased with the progress made on the broadband grant. He also welcomed George Warrell as the new Sheriff.

Mayor Ormond stated that we were given a plaque from the Arbor Day Foundation for Tree City USA for 20 years of qualifying service. He stated he appreciates all of the work that our parks department have done over the years.

Mayor Ormond mentioned the article in the paper stating the County Commissioners asked the surrounding cities to support them in what they felt would be advantages to our community regarding COVID. He said they talked about past things where the community has pulled together in order to preserve life and property. Mayor Ormond mentioned the Oakley Dam, the canal that was built and the sand bags that were provided and filled. He said they asked us to recognize that we live in a community that what we do affects other people. He said that he was glad to support that and us participate as the City of Burley backing the information that was in the newspaper.

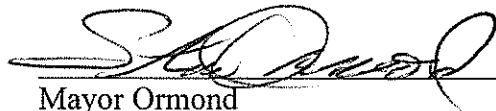
Council member Casey Andersen said the stop light on 14th and Overland going east has at least a six-minute wait. City Engineer Dave Waldron said he would let Idaho Transportation Department know.

Council member Hansen said that today we were at 1190 cases in Idaho with our number going up. Utah had over 2000 cases today. She said yesterday they had one bed available in the hospital in Cassia and are nearing capacity on a regular basis. She said because a lot of staff has been out sick with COVID they have high census and low staff volume. She mentioned that facilities where they transfer patients to are filling up and they cannot transfer patients out. She said what we prepared for in March and April is here, and the simple things of staying home when you are sick, washing your hands often, wearing a mask and practicing physical distance and staying away from large groups will help get us through this difficult time. She mentioned that the day you have high numbers will impact the hospital in about 10 days.

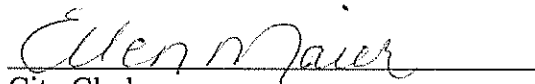
A motion was made by council member Casey Andersen and seconded by Council member Morgan to adjourn the meeting at 7:58 P.M.

All "Aye."
Motion carried.

City of Burley


Mayor Ormond

ATTEST:


City Clerk