

**ALBION CITY COUNCIL MEETING
MINUTES JANUARY 5, 2021.**

CALL TO ORDER – The meeting was called to order at 7:01 p.m. in the Albion Civic Center by Mayor Isaac Loveland.

OPENING CEREMONIES – The Pledge of Allegiance was led by Councilperson Brad Woodrow.

ROLL CALL – Present: Mayor Isaac Loveland, Council President Kevin Lloyd, Councilpersons Dallan Doc Carlson, Wayne Winder, and Brad Woodrow, City Clerk-Treasurer Mary Yeaman, City Attorney Kerry McMurray, and Maintenance Department Bryan Day.

OTHERS IN ATTENDANCE – Resident Deputy Levi Smith, David Chatterly, Robert Murphy, Paul Baumgartner, Troy and Heather Mortensen, and Isaac and Krista Hausheer.

THOSE ATTENDING VIA ZOOM – Jon Goodman, James and Kathy Endres, John Davis, and Tony Prescott.

APPROVAL OF MINUTES – Upon motion made by Woodrow, seconded by Lloyd, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to approve the Minutes of the December 1, 2020 Council Meeting as presented.

APPROVAL OF BILLS – Upon motion made by Carlson, seconded by Winder, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to approve payment of the Bills as presented.

LAW ENFORCEMENT REPORT – Resident Deputy Levi Smith reported to the Council for the month of December 2020 there were seven (7) Traffic Stops, a Suicidal Subject/Psy. Eval., an Unknown Problem/Man Down, Extra Patrol, 911 Hang Up/Open Line Prank Call, and a VIN Inspection.

The Mayor and Council thanked Deputy Smith for his Report.

ANIMAL CONTROL REPORT – Bryan Day, from the Maintenance Department, told the Council he had nothing to report.

AGENDA BUSINESS ITEMS

PUBLIC HEARING – PETITION TO VACATE UNION ST. – DAVID CHATTERLY

Mayor Isaac Loveland opened the Public Hearing for the Petition to Vacate Union St. and asked those wishing to make comments to please come to the podium, state their name and address for the record. Mayor Loveland reported the Public Hearing is being recorded. Mayor Loveland reported after Mr. Chatterly makes his opening statement,

comments in favor of the Petition to Vacate Union St will be heard, then neutral comments will be heard, followed by comments opposed to the Petition to Vacate Union St. will be heard.

David Chatterly, 301 E. North St. reported to the Council he submitted the Petition to Vacate Union St. at the request of his wife, and several of his neighbors. Chatterly reported Union St. was plotted in 1898, and has never been developed, or used as a Street. The East end of Union St. is sagebrush, and the West end used to have corrals on it, but they have been removed. Chatterly reported if Union St were developed, it could not safely be used, as there would be two (2) ninety-degree (90") corners. In the winter, this would be especially dangerous, with traffic possibly running into the corner of his home. Chatterly reported not only is the safety of his home a concern, but the City should not have to maintain a road that most likely would be used by county residents only. The City already maintains the weeds on the plotted Union St., and if it is developed, the maintenance costs would be much higher, with no added revenue. Councilperson Wayne Winder asked Mr. Chatterly what the City would gain if the Petition to Vacate Union St. is granted, to which Mr. Chatterly replied, the City would no longer have to maintain the easement.

Mayor Isaac Loveland asked Mr. Chatterly how close his house is to Union St. to which Mr. Chatterly replied twenty-five feet (25').

Councilperson Brad Woodrow asked which line on the Map represents the City Limits, to which he was told the yellow line. Woodrow reported he wants to make sure this is clear in his mind.

City Attorney Kerry McMurray asked Councilperson Winder to add the Map, as an exhibit, to the Public Hearing File.

City Attorney Kerry McMurray reported Idaho Code Public Hearing requirements state notification to all property owners within three hundred feet (300') will be sent by Certified/Return Receipt Mail, and asked Mr. Chatterly if this was done, to which Mr. Chatterly replied he sent Certified/Return Receipt Notices to Property Owners who live out-of-town, and hand delivered Notices to his neighbors, who signed a statement saying they received the Notice.

Councilperson Wayne Winder reported the List of Property Owners he received from the County Assessor's Office, Kerma Olsen was not Notified, and her property is within three hundred feet (300'), to which Mr. Chatterly reported she was not on his List received from the County Assessor's Office, her property showed being owned by Kerry Harris. Councilperson Winder reported he feels Kerma Olsen should receive a Notice of the Public Hearing.

Mayor Isaac Loveland reported a decision will not be able to be made tonight, and Kerma Olsen needs to receive Notice of the Public Hearing,, and given the opportunity to respond, before the Council can make a decision.

Councilperson Wayne Winder reported he is not trying to be difficult he just wants things to be done correctly the first time, in order to save on costs and time.

City Attorney Kerry McMurray asked Mr. Chatterly when his home was built, to which Chatterly replied 1972. City Attorney McMurray asked about a power pole located near Union St, to which Chatterly replied it is on the north edge of Union St. about seventy feet (70') from Wood St to the east, and would need to be relocated if Union St. is developed.

Mayor Isaac Loveland read Letters received from property owners near Union St. The Letters read in favor of the Petition to Vacate Union St. are from JC and Sara Johnson, John and Anna Marie Davis, and Jon Goodman, on ZOOM James and Kathy Endres are also in favor of the Request to Vacate Union St. The Letters read against the Petition to Vacate Union St. are from Tony and Giselle Prescott, siting potential growth in the area, Paul and Sandaree Baumgartner, and Attorney Bill Parsons.

Paul Baumgartner reported to the Council he has spent a great deal of money for an Engineer to put together plan for developing Union St, and it will not be a safety hazard, it is not a racetrack, and there will not be a lot of traffic.

City Attorney Kerry McMurray asked Paul Baumgartner if there would be another access to his property if Union St. is not developed, to which Baumgartner replied Yes, he just received approval to access his property from North St. City Attorney McMurray asked Baumgartner if the approval was given by the Albion Highway District, to which Baumgartner replied Yes.

Paul Baumgartner reported he wants two (2) accesses, in and out, to his property City Attorney Kerry McMurray asked Baumgartner how the Chatterly property, the Goodman property, the Endres property, and the Gibby property is accessed, to which Baumgartner reported off North St.

Troy Mortensen reported he just developed a Sub-division in Middleton, and they allowed one (1) access. Mortensen reported he found most people do not want a through Street in a Sub-division. This may be something Mr. Baumgartner may want to consider.

Heather Mortensen asked for a copy of the Map

Councilperson Brad Woodrow asked Mr. Baumgartner how many lots are in his Sub-division, to which Baumgartner replied ten (10). Councilperson Woodrow asked Baumgartner would Construction Equipment be able to get in and out of the Sub-division if Union St. was developed, to which Baumgartner replied it is not designed for Semi-trucks. Councilperson Woodrow asked Baumgartner who would be responsible to maintain Union St. if it is developed, to which Baumgartner replied, the City would be responsible for eight hundred feet (800') of the Road.

Councilperson Wayne Winder asked if there are Water and Sewer Lines along Union St., to which Mayor Loveland reported he does not know of any. Councilperson Winder asked how would Electric, Water, and Sewer lines get to the Sub-division if requested, to which Councilperson Carlson reported the closest Water and Sewer lines would be on North St.

Councilperson Dallan Doc Carlson asked if the Electricity would be provided by the City or Raft River Electric, to which Mayor Loveland reported most likely Raft River Electric. Troy Mortensen said in Attorney Parsons Letter, he stated to Vacate Union St. should only be done for Public Good. Mortensen told the Council he feels if the Sub-division is not in the City Limits, that would not be for Public Good, but if the Sub-division is in the City Limits that would be for Public Good. Mortensen asked Baumgartner if he has plans to add the Sub-division to the City, to which Baumgartner replied, the door is open for annexation.

Mayor Isaac Loveland reported if ten (10) to twenty-four (24) homes are added to the Water and Sewer System, it may be best to run the lines along Union St.

Heather Mortensen reported she does not see any advantage of having two (2) roads into the Sub-division, she thinks a cul-de-sac would be a better solution.

City Attorney Kerry McMurray reported to the Mayor we are getting off subject for tonight's Public Hearing, we need to get back on track.

Mayor Isaac Loveland called for the Public Hearing to return to the issue at hand, addressing the Petition to Vacate Union St. The Mayor reported the question at hand is Vacating Union St. in the Public Good, or is it not,

Council President Kevin Lloyd reported he agrees with the Mayor.

Councilperson Wayne Winder reported to the Council he wonders if it is in the best interest of the City to give up something the City already owns.

City Attorney Kerry McMurray reported to the Council Idaho Code 50-311 gives the Council authority to Vacate property, if their findings show it is for Public Good.

Councilperson Wayne Winder reported he would like to have Mr. Chatterly follow the Public Hearing requirements of Notifying all property owners within three hundred feet (300') by Certified/Return Receipt mailings, making sure Kerma Olsen is included.

All Council Members agreed with Councilperson Winder on requiring Mr. Chatterly notifying all property owners within three hundred feet (300') by Certified/Return Receipt mailings.

Upon motion made by Lloyd, seconded by Carlson, and unanimously carried, with the following vote, Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to recess the Public Hearing - Petition to Vacate Union St. until February 2, 2021, the next Council Meeting.

Paul Baumgartner told the Council no matter what your decision is on this, you are not going to stop the development of my property.

MAINTENANCE TRUCK PURCHASE

Mayor Isaac Loveland reported to the Council the Maintenance Department is looking into purchasing or leasing a new pickup. The Mayor reported planning for the future is a good idea.

Councilperson Dallan Doc Carlson reported he agrees, planning for it is better than waiting for an emergency.

Councilperson Brad Woodrow suggested putting some money into the current vehicle for now,

City Attorney Kerry McMurray suggested looking at the State Bid Process, this usually offers reasonable purchasing or leasing options.

Bryan Day, from the Maintenance Department, reported to the Council he has received a Bid from the Ford Dealer, but is still waiting on a Bid from the GMC and Dodge Dealer.

The Council agreed to discuss this further, once all the Bids are received. The Council agreed they are not against getting a new Maintenance Truck, but the Truck needs to be included in the Budget.

WATER ORDINANCE STANDARD REVIEW

City Attorney Kerry McMurray presented the Mayor and Council copies of a revised Title 7 Chapter 6 Water System Regulations for their review. McMurray asked the Mayor and Council to review the changes before the next Council Meeting, Attorney McMurray reported to the Council he plans to come to Albion the next time Bryan installs a Water Meter, in order to see what it involves.

LAND APP ANNUAL REPORT

Mayor Isaac Loveland reported to the Council the Annual Land App Report is due by January 31, 2021. The Mayor reported last year Keller Associates prepared the Annual Report with information provided by Bryan. The Annual Report cost the City two thousand dollars (#2,000) for Keller's to prepare, and there were still several issues DEQ said were not addressed.

Bryan Day, from the Maintenance Department, reported to the Mayor and Council Keller Associates sent him a Template, to help put the information together for the Annual Report. Day reported he is going to work on putting the Annual Land App Report together, and if he runs into a problem, he will contact Keller's for assistance.

BPA NETWORK OPERATING AGREEMENT

Mayor Isaac Loveland reported to the Council he received the BPA Network Operating Agreement, which is the Annual Agreement between BPA and the City for our Power Purchases. The Mayor reported the Agreement needs to be signed by the 14th of January, and returned to BPA. The Mayor asked for Council approval to sign the BPA Agreement.

Upon motion made by Winder, seconded by Lloyd, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to approve the Mayor signing the BPA Network Operating Agreement, and returning it to BPA by the 14th of January 2021.

INFORMATION FROM CITY OFFICIALS

Council President Kevin Lloyd thanked the Brackenbury Family for presenting the Live Nativity again this year. Lloyd also commented on how festive the City looked with the additional Christmas Lights this year, and thanked those responsible for putting them up.

Mayor Isaac Loveland reported the Maintenance Department, put up the additional Christmas Lights, and also thanked them for their efforts.

Bryan Day, from the Maintenance Department, reported more Christmas Lights are planned for next year.

PRESENTATION OF BILLS

Mayor and Council Salaries *

1700.00

Salaries – Clerk *	2880.00
Deric Bell – Deputy Clerk *	624.76
Bryan Day – Maintenance Department *	4090.50
Ravyn Buck – Maintenance Department *	2125.50
PERSI – Employer Remittance (12/16-12/31/20) *	1314.93
DL Evans Bank – EFTPS 941 Employer Remittance (Dec.20) *	2656.86
PERSI – Employer Remittance (01/01-01/15/21) *	922.77
Raft River Electric – Water Tank-45.13/service work-390.00 *	435.13
SelectHealth – Insurance (Feb. 21) *	954.00
Burley Reminder – Envelopes (Office Use) *	500.00
Magic Valley Labs – Nitrate Test (Wells #1 & #2) *	40.00
The Book Store & Office Supply – Ink Cartridges/Bingers *	310.31
Carquest of Burley – Hydraulic Jack Oil *	5.17
Idaho State Tax Commission – W/H Tax 4 th Qtr. *	629.00
IDOPL – B. Day Application Fee (Water License) *	100.00
Ace Hardware – Maintenance Supplies	13.77
ATC Communications – Phone, Internet, Lift Station, & Wells	500.42
Bonneville Power Administration – Transmission/Power (Dec.20)	17140.00
Claunch’s Tires & Service – Tires/Alignment/Tie Rod (03 Dodge)	667.32
Creekside Store – Maintenance Fuel (Jan. 21)	210.90
Ferguson Waterworks – Maintenance Supplies	2215.96
Keller Associates – Monthly Fee	250.00
Kerry McMurray – Legal Services (Jan. 21)	1105.00
Lamont Young – Back-Up Operator Fee (Jan. 21)	300.00
Magic Valley Labs – Water Test	18.00
Postmaster – Stamps for Office Use	344.00
Raft River Electric – Acct.#046 Upgrade (200 AMP)	2917.25
Raft River Electric – Acct.# 019 Meter Upgrade	839.35
Southern Idaho Solid Waste – Garbage Fee	12.00
Stukenholtz Laboratory, Inc. – 3 rd Cutting Alfalfa Sample	56.00
The Book Store & Office Supply – Maint.. Office/W2’s & W3	140.49
Times News – 2020 Annual Street Report	87.57
UAMPS – General A&G Expenses	49.25
VISA – #1475 M. Yeaman Jan. 21 Stmt. (Postage/Batt Back Up)	332.50
VISA - #3522 B. Day Jan. 21 Stmt. (Maint. Office Supplies)	83.52
VISA - #6078 I. Loveland Jan. 21 Stmt. ((ZOOM)	<u>149.90</u>
TOTAL	\$46,722.13

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Woodrow, seconded by Carlson, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye. Adjournment was at 8:53 p.m.

Isaac Loveland, Mayor

Mary Yeaman, City Clerk-Treasurer