

**ALBION CITY COUNCIL MEETING
MINUTES January 3, 2023.**

CALL TO ORDER – The meeting was called to order at 7:02 pm in the Albion Civic Center by Mayor Isaac Loveland.

OPENING CEREMONIES – The Pledge of Allegiance was led by Councilperson Wayne Winder.

ROLL CALL – Present: Mayor Isaac Loveland, Council President Kevin Lloyd, Councilpersons Dallon Doc Carlson, Wayne Winder and Brad Woodrow (present only at the beginning, resigned before agenda items), City Clerk-Treasurer Linda Hutchison, Deputy Clerk Deric Bell and City Attorney Kerry McMurray.

OTHERS IN ATTENDANCE – Earl Warthen, Linda Prefontaine, Jan Johnson, Bunny Johnson, Troy Mortensen, Heather Mortensen, Virginia Hall, Tony Prescott, Giselle Prescott, Pat Field, Tyson Tolman, John Davis, Nathan Davis and Kim Davis.

APPROVAL OF MINUTES- Upon motion made by Carlson, seconded by Winder, and unanimously carried, with the following vote: Lloyd-aye, Carlson-aye, Winder-aye, and Woodrow-aye, the Council moved to approve the Minutes of the December 6, 2022 Council Meeting and the December 28, 2022 Special Meeting as presented.

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

LAW ENFORCEMENT REPORT – No one present to give a report.

ANIMAL CONTROL REPORT – No report given.

CITIZEN'S ISSUES

Tony Prescott asked on the status of the Water Project/Judicial Confirmation. Councilman Lloyd said that we were granted the judgment and can move forward; that the ARPA Grant application has been submitted.

PRE-AGENDA BUSINESS

Councilman Woodrow addressed the Council to resign as a councilman effective immediately. He stated that due to personal reasons he is resigning. At that time Woodrow left the stand and joined the audience, later leaving the meeting early.

AGENDA ITEMS

SIDEWALK PROJECT UPDATE

An update was given on the \$250,000 grant. The City is in the engineering stage now and due to inflation, this means there we are working with a smaller amount. This means that cutbacks to the plan are going to have to be made. Current plans include doing between the old store at the corner of Hwy 77 and Market and the school, as well as from the school to the Vaughn Office with it connecting to the sidewalk in from of Albion Telephone Company. This is currently the most needed place for sidewalks. Currently the West Street portion will be cut from the plan. We will receive the rest of the funds this coming spring and the grant money must be spent by year's end so this will be a summer construction project. We want to preserve existing good sidewalks, but new sidewalks will be limited to what costs will allow.

WHITMAN STREET PROJECT UPDATE

The Mayor briefly talked about the upcoming project. He stated that we would have to begin bidding soon, however, Attorney McMurray pointed out that bidding may not be required since the project may be under \$100,000 threshold. More information will be forthcoming later.

WATER PROJECT

DEQ and Keller Associates are advising the City to apply for loans/grants for the current year. There could possibly be more funding opportunities from leftover funds for the next fiscal year. Lloyd asked about the application loans versus grants. The Mayor stated that both could be to our benefit and it was best to apply now. Then we are given the option to accept or not if we feel the terms do not fit our needs. There were no other questions from the council. The Council granted approval for the Mayor to move forward with the any necessary applications with a motion by Lloyd and a second by Carlson with following vote: Lloyd-aye, Carlson-aye and Winder- aye.

SERVICE WORK/BALANCES ON ACCOUNTS

The Mayor felt that service work performed by Raft River electric should not be financed for free as is currently happening. The Mayor asked the Council for their input. A member of the Council asked Attorney McMurray what the best way to go forward would be. He replied that the city could just enforce current policies, but also asked the Council if they felt that we need to update our policies. Lloyd asked how the current billing process works. He was told that currently Raft River Electric bills the City for any service work and then the City passes that bill on to the customer. Lloyd asked if we could have Raft River bill the customer directly. He was told that this was not possible because our residents are not customers of Raft River. Lloyd stated that he feels the citizens are getting a free loan at the expense of the City. He stated that the City must

pay its bills on time and needs to enforce that the City customers pay their service work bill in a timely manner and that a free loan service should not be provided. The Mayor felt that we are doing better than we have in the past. He gave the example of a fire which could have bills of \$6,000 to \$7,000 and which has been charged to the customer account. Winder felt we should provide a timely bill in event of a fire so as not to slow down any insurance claims. Virginia Hall asked about the current penalties for unpaid balances. She was told that we do a late fee on past due balances. Earl Warthen asked about having good communications with the Raft River Electric on this and the Mayor responded that this is already happening. Winder asked Attorney McMurray if this type of indebtedness was against Idaho law. McMurray responded that in this case, that was not a concern. Troy Mortensen noted that in the case of a fire the customer should have home/fire insurance to cover the bill. Heather Mortensen felt that it is unfair to give some free money at the expense of the City. Mayor agreed but said that there are some extraordinary circumstances that could cause someone not to be able to pay all of a balance within the 30 day time period. However, he also feels that no one should carry a balance for free. Virginia Hall suggested that the City add interest on all accounts with a balance owing. Lloyd proposed a plan that customers should have one (1) month to be paid in full. Otherwise, they pay the balance in up to four (4) months with a fee or interest. Any payments that need stretched beyond four (4) months would have to go through Council approval. McMurray stated that this discussion gave him direction to go forward and put a policy together.

DECISIONS ON LAGOON REPAIRS FOR REPSONSE TO DEQ

The Mayor reviewed the four (4) different options given to the City for required repairs to the lagoon: Number one (1)- repair the leak using clay, Number two (2)- reline the lagoon using a metal structure and new liner, Number (3)- drain the lagoon and completely stop using it, or Number (4)- determine environmental impact by constant sampling and work with the DEQ for ongoing plans. The Mayor stated that the cost to repair was roughly estimated to be around \$70,000 and that the option to reline the lagoon would be around \$140,000. Carlson felt that repairing the leak (option one) would be the most financially responsible. The Mayor stated that approx. 40% of the lagoon volume comes from storm drains and other misc. sources. Lloyd suggested the repairs be done sooner rather than later because costs will only increase over time. The Mayor noted that response to DEQ must be done 60 days from receipt of the letter and that we currently have until the end of January to submit our response. He also noted that the lagoon in question is the one used in the Land App and Keller Associates is working on the engineering aspects of this. It was suggested that a partial fix with clay could be done. The Mayor said that it was possible as long as DEQ signed off on it. Winder felt that this approach would be best. The Council decided to allow the Mayor to submit a response to DEQ for option one (1) with a motion made by Winder and a second by Lloyd and approved with the following vote of Lloyd-aye, Carlson-aye and Winder-aye.

CIVIC CENTER USE

Attorney McMurray noted that is already an existing policy on use of the Civic Center. The Mayor explained that there are many different circumstances and gave the example of a recent request to use the center for a piano recital. There was discussion of this as to what it meant to gain financially from use in this situation. The City does not want to compete with local businesses. McMurray noted that possible reasons (but not limited to) for denial of use can include commercial purposes, potential for damage to facilities or something deemed inappropriate by the Council. Potential uses can include non-commercial uses, civic events, cultural events and other appropriate events. It was felt that the example of the piano recital would have been cultural and therefore should have been allowed. These other uses must not interfere with City meetings. It was noted that City Clerk/Office Staff approve events or send them before the Council if needed. The Mayor noted that in the past, the building had been used for YOGA and there was concerns of potential loopholes in the financial benefits area. He also stated that the building had been used sometime between November and December without permission. There is the potential to have keys out there. The consensus was that Office Staff would continue to make decisions of use but can contact the Council for direction if needed. Lloyd reminded the Council that the America Legion has requested use of the building, and are welcome to proceed.

LAND APP.

The Land App is due by January 31, 2023. There is a fee to have Keller Associates take care of this for the City and approval is needed to have them submit the annual reports necessary. This was approved by a motion by Lloyd and a second by Winder and a vote of Lloyd-aye, Carlson-aye and Winder-aye.

DISCUSSION OF FINANCIAL INTERNAL CONTROL POLICY

Attorney McMurray reported that due to some of our recent grant/loan applications, it has been discovered that we need to update the City's Financial Internal Control Policy. McMurray distributed a draft policy for review to the Council. He stated that prior to the beginning of the meeting, he reviewed some changes as far as receipting and use of electronic transaction and mid-month approvals with the Office Staff. One change would include Bank Statements emailed directly from the bank to the Council President for review and approval. There was discussion among the Council of the possibility of adding Deputy Clerk as a signer on the bank accounts to accommodate some of the necessary changes. These updates are needed to make policy changes to resolve some financial policy issues noted on the yearly audits. This policy will also make it possible to meet the qualifications needed for loan and grant applications. McMurray felt that adopting these updated policies will show that the City is working to be financially responsible. McMurray stated that he will review and make the changes needed to present a resolution at next month's Council meeting.

COUNCIL ENTERS INTO AN EXECUTIVE SESSION

At 7:58 pm, a motion was made by Carlson to enter Executive Session pursuant to Idaho Code 74-206 (1)(a) and (b) to discuss personnel matters. The motion was seconded by Winder, and unanimously carried, with the following roll call vote: Lloyd-aye, Carlson-aye, and Winder-aye.

COUNCIL RETURNS TO A REGULAR SESSION

The Executive Session concluded at 8:30 pm.

Upon motion made by Lloyd, seconded by Carlson, and unanimously carried, with the following vote: Lloyd-aye, Carlson-aye and Winder-aye, the Council decided to take appropriate actions regarding the matters regarding Idaho Code 74-206 (1)(a) and (b).

HIRING OF NEW MAINTENANCE DIRECTOR

The Mayor proposed that the City hire Bradley Woodrow as Maintenance Supervisor/Water/Wastewater Operator with at \$30 per hour, with all benefits previously agreed upon. The Council agreed to hire Mr. Woodrow with a motion by Carlson, seconded by Winder and a vote of Carlson-aye, Winder-aye and Lloyd-aye. The Mayor then read the following prepared statement regarding this hiring:

“In selecting a City Maintenance Supervisor/Water/Wastewater Operator, in initially proposing to put out notice of job opening, Brad Woodrow expressed interest in applying for the job. At such time he was a duly elected city council person. He made application, and because of his expressed interest and application, he was advised that he could not participate in any discussions, interviews (other than his own), and selection processes. He readily agreed and recused himself in those instances.

Prior to the mayor advising the City Council of his desire to make the appointment of Brad Woodrow as City Maintenance Supervisor, which appointment requires City Council’s consent, as is required by Idaho Code Section 50-204, Mr. Woodrow submitted his resignation as a city council member.

These steps were taken to avoid conflict with provisions of Idaho Law involving public servants accepting/receiving pecuniary benefit related to the conduct of his official duties, or to be involved with appointment of himself to a position where the salary is paid from public funds.

Inasmuch as Brad Woodrow was not a public official at the time of his appointment, there is no conflict with relevant Idaho laws in his subsequent appointment as an employee of the City of Albion.”

COST OF LIVING INCREASES

Council President Lloyd thanked City Clerk Hutchison and Deputy Clerk Bell for their work at the City Office. It was proposed there be an increase of \$1 per hour for Clerk - Treasurer Hutchison and an increase of \$2 per hour for Deputy Clerk Bell. This was ratified with a motion by Lloyd, seconded by Carlson with a vote of Lloyd-aye, Carlson-aye and Winder-aye.

APPOINTMENT OF NEW CITY COUNCIL MEMBER

The decision was made to postpone calling a new council member at this time. The Mayor jokingly advised the council to be careful as there would be no quorum if something happened to one of them. Mayor Loveland said there would probably be another special meeting during the month, but it would be scheduled at a later date.

INFORMATION FROM CITY OFFICIALS

Mayor noted the bleachers have all been removed from the City Park following the Live Nativity in December. He also let the Council know that he purchased a new winch and repaired the City's small snowplow truck.

Carlson expressed interest in moving the location of the City Office to the Civic Center. This was something the Council is willing to pursue in the future.

PRESENTATION OF BILLS

Mayor and Council Salaries*	1,400.00
Brad Woodrow - Maintenance Director*	4,297.50
Linda Hutchison - City Clerk/Treasurer *	3,277.50
Deric Bell – Deputy Clerk*	1,361.64
PERSI – Employer Remittance- 1/1/23 –1/15/23*	642.41
DL Evans Bank–EFTPS941 Employer Remittance Jan.23*	2,140.04
PERSI – Employer Remittance 1/16/23 -1/31/23*	1,274.60
Select Health – Insurance*	.00
Accurate Imprints – Clerk Shirt	21.95
ATC Communications – Jan.2023	351.71
Bonneville Power Administration	20,169.00
Brad Woodrow – Work Uniforms Reimbursement*	459.87
Creekside Store – Maintenance Fuel	117.62
ETS Email License –	32.50
Ferguson Waterworks – Meters	2,817.04
Idaho Rural Water Association – Maint. Director Training	325.00
Idaho State Tax Commission – ID Withholding 4 th Qtr*	551.00
Isaac Loveland – Reimburse for 2- 3x5 Mats at Maint. Shop	39.96

Keller Associates – Judicial Confirmation Support	2,270.00
Keller Associates – Monthly Fee & Engineering Service	915.00
Kerry McMurray – Legal Services Jan. 2023*	1,088.00
Lamont Young – Back-Up Operator Fee	300.00
Magic Valley Labs –	22.00
MSBT LAW - Judicial Confirmation Legal/Email Charges	3,997.90
Norco – Cylinder Rental	13.02
Raft River Electric -System Repairs & Maint.	3,656.85
TNT Electric – Repair Civic Center LED lamps	319.69
UAMPS – General A&G Expenses	50.68
Visa – #2580 L. Hutchison- Toner & Paper 01/23 Stmt.	1,066.39
Western Waste Services – Dumpster	53.97
Total	53,032.84

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Carlson, seconded by Lloyd, and unanimously carried, with the following vote: Lloyd-aye, Carlson-aye and Winder-aye. Adjournment was at 8:37 pm.

Isaac Loveland/ Mayor

Linda Hutchison, Clerk – Treasurer