

**ALBION CITY COUNCIL MEETING
MINUTES FEBRUARY 2, 2021.**

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

OPENING CEREMONIES – The Pledge of Allegiance was led by Councilperson Dallan Doc Carlson.

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 – Robert Murphy, Isaac and Krista Hausheer, Paul Baumgartner, Heather Mortensen, David Chatterly, and Resident Deputy Levi Smith.
THOSE ATTENDING BY ZOOM – James and Kathy Endres.

APPROVAL OF MINUTES – Upon motion made by Winder, seconded by Carlson, 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 January 5, 2021 Council Meeting as presented.

APPROVAL OF BILLS – Upon motion made by Carlson, seconded by Lloyd, 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 January 2021 the Idaho State Police issued twenty (20) Citations, there was one (1) House Fire, one (1) Vehicle Fire, a Civil Paper Service, and a 911 Hang Up/Open Line/Prank Call.
The Mayor and Council thanked Resident 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 reported the Public Hearing on the Petition to Vacate Union St. is out of recess, and called to order. The Mayor asked City Attorney Kerry McMurray if there is anything he would like to add, to which city Attorney McMurray asked if the Certified Mailings were sent. Mayor Loveland reported the required Certified Mailings were sent, and the City received the signed receipts. The Mayor reported a Letter from

Mr. Baumgartner was received, that will be read, but comments from anyone wishing to speak will be heard first.

David Chatterly reported he would like to follow up with a few comments on the Petition to Vacate Union St. Chatterly apologized to the Council for saying Mrs. Olson was not included in the three hundred feet (300') of his property, as she is. Chatterly reported he did send Mrs. Olson, and the other seven (7) neighbors, who he previously delivered Notices to, Certified/Return Receipt Notification. Chatterly reported at the last meeting it was brought up that Union St. could not be vacated unless it was for the good of the whole City, not just one person. Chatterly reported he has no use for the property behind his home, but he lives in a great neighborhood, that is peaceful, safe, quiet, with great neighbors. This is the reason for wanting to Vacate Union St., to protect my neighborhood. Everyone living in Albion wants to protect their neighborhood. Chatterly reported his wife said, and she is a pretty smart gal, it all comes down to the money. Chatterly reported he will finish up by asking, Is it financially beneficial for the City to maintain a Street that would be used only by non-City residents that do not pay City Property Taxes, or would it be better to Vacate the Street relieving the City of maintaining the property? Chatterly reported there will always be an access behind his property for Emergency Vehicles if needed. Chatterly reported that raps it up for him, now the matter is up to the Council. Chatterly thanked the Council for allowing him time at the meeting.

Mayor Isaac Loveland asked Paul Baumgartner if he would like to read his Letter, to which Mr. Baumgartner replied No, you go ahead. Mayor Loveland read the Letter. Mayor Loveland asked if anyone else would like to make comments.

Robert Murphy reported to the Council he does not live in the City Limits, but I have lived here for twenty-five (25) years, and this Street would affect my property. Murphy reported he does not understand why this road should be put in, or why the City would want to maintain it when the road goes to nowhere. The surrounding property owners have said they do not want this road to be developed, and if I lived in the City Limits, I would agree with them.

Kathy Endres, on ZOOM. reported their property would also be affected by this road, along with the other bordering property owners. This does not just affect the Chatterly and Murphy properties.

City Attorney Kerry McMurray reported to the Council the question you need to ask yourselves is: Is vacating Union St. expedient for Public Good. Idaho Code defines this as suitable for achieving a particular end for Public Good. McMurray reported this information should help you in your deliberation.

Councilperson Brad Woodrow asked City Attorney McMurray if the City is obligated to develop Union St., to which City Attorney McMurray reported if someone were to develop City property and Union St. would be their access, the answer would be Yes. Councilperson Wayne Winder reported the platted Union St. property has not been used in many years, and is not the sole access to anyone's property, which includes inside and outside the City Limits.

Councilperson Brad Woodrow reported it seems this road would be a benefit to County residents, but would not be beneficial to City residents, as they will end up paying for all road maintenance.

Council President Kevin Lloyd reported if Union St. is paved, the other sections of road leading up to Union St. are gravel, and asked will the City be required to pave the gravel areas as well?

Councilperson Brad Woodrow asked Paul Baumgartner when you purchased your property, what did you know about the road, to which Baumgartner replied he knew it was plotted in 1898. Baumgartner reported he wants an in and out to his property, this would be good for Emergency Vehicles. It would benefit the residents of the subdivision as well. It makes sense to have an in and out access to my property. Baumgartner reported he knew Union St. was not developed, and he planned on developing the road. Everything that will be done to that road will be done at my expense. As far as maintaining it, I assumed that would be the responsibility of the City.

Mayor Isaac Loveland reported to the Council he would like them to consider the following: If there are ten (10) new home owners, outside the City Limits, with a newly paved road that goes from asphalt to dirt to gravel to asphalt to dirt to gravel and back to asphalt, how long will it be before those home owners complain about the dirt and gravel roads, and request they are paved.

Councilperson Brad Woodrow asked if the City has a guarantee the road will be completed, to which Paul Baumgartner replied, it will be completed as long as I am here, and will be safe for traffic.

Councilperson Brad Woodrow reported if the property was annexed into the City, he sees that as a benefit because those residents would help the current City residents pay for the upkeep of the road.

Paul Baumgartner reported annexation is a possibility, but that was not his original intention.

Council President Kevin Lloyd reported Union St. is currently not beneficial for the City, and if it were developed would have a negative effect on the residents of the City. Lloyd reported it is not economic for the City to add more liabilities.

Councilperson Dallan Doc Carlson reported looking at the financial structure of the City, Union St. does not seem to be a benefit to the City.

Council President Kevin Lloyd reported to Mr. Baumgartner you have another access to your property, therefore vacating Union St. would not stop the development of your property, I feel vacating Union St. would benefit the residents of the City.

Paul Baumgartner reported to the Council, it will benefit the City if the road is developed.

David Chatterly reported to the Council, if you want to spend money on roads, fix North St., it needs repaired.

Upon motion made by Lloyd, seconded by Winder, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to Vacate Union St. for the Public Good, as determined by the findings of the Public Hearing.

City Attorney Kerry McMurray reported to the Council he will prepare the paperwork needed to complete the process of the decision made at the Public Hearing.

Paul Baumgartner reported to the Council he has been working on this issue since 2015, with no decision being made. Baumgartner reported he does not understand why it has taken so long to get an answer, and now to be told No, the City will not work with

him. I have been spinning my wheels for five (5) years. Mr. Baumgartner left the meeting.

Mayor Isaac Loveland closed the Public Hearing.

WATER ORDINANCE STANDARD REVIEW

City Attorney Kerry McMurray presented the Mayor, Council, Maintenance Department, and City Clerk Installment #2 of the Water Ordinance for their review. City Attorney McMurray asked the Mayor, Council, Maintenance Department, and City Clerk to read through this portion of the Ordinance, paying special attention to the yellow highlighted areas, and let him know of any questions or suggested changes.

Council President Kevin Lloyd asked if an estimate of costs should be included in the Water Standard, to which City Attorney McMurray reported instead of an estimate of costs, it would be best to list what the Water Hook-Up Fee covers, and state anything above and beyond that would be the responsibility of the customer.

In Section 7-6-16, the Council agreed they would like Under the direction of the City to be included.

City Attorney Kerry McMurray told the Council if they think of other changes or additions to the Water Standard, to please let him know before the March Council Meeting.

CITY OF ALBION/ALBION HIGHWAY DISTRICT INTERAGENCY STREET MAINTENANCE AGREEMENT

Mayor Isaac Loveland reported to the Council about three weeks ago, the City received the Street Maintenance Agreement signed by the Albion Highway District. The Mayor asked City Attorney McMurray if he has any information to add.

City Attorney Kerry McMurray reported he reviewed the signed Agreement, and everything is in order, and ready for the Mayor and Clerk to sign.

Mayor Isaac Loveland reported this Agreement includes S. Main St. and 900 S. A portion of S. Main St. was part of the Albion Highway District's Roads, and a portion of 900 S. was part of the City's Roads. To make it easier for both entities, we swapped portions. The City will now maintain all of S. Main St., and the Albion Highway District will maintain all of 900 S. This was agreed upon about a year ago, and the Agreement is now ready to sign. Mayor Loveland asked for Council approval to sign the Agreement. Upon motion made by Lloyd, and seconded by Carlson, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to approve the Mayor and Clerk signing the City of Albion/Albion Highway District Interagency Street Maintenance Agreement.

City Attorney Kerry McMurray reported he forgot to bring his Notary Stamp, and the Agreement needs to be signed in front of a Notary.

City Clerk Mary Yeaman reported to the Mayor they could take the Agreement to the Bank to sign.

MAINTENANCE TRUCK PURCHASE

Mayor Isaac Loveland reported to the Council the City has missed the deadline to purchase a Maintenance Truck this fiscal year. The Mayor reported he would like to get this nailed down, as far as what Truck is wanted, so it can be included in the next fiscal year Budget.

Bryan Day, from the Maintenance Department, reported he is still waiting to hear back from the Chevy Dealer. Day reported in talking with City Attorney McMurray, he is interested in his suggestion.

City Attorney Kerry McMurray reported to the Council some agencies have purchased Trucks through the State Program, driven them for a year, then traded them in for a new one. This saves maintenance costs, and the trade-in value has been more than the original purchase price. The Trucks price has been in the mid 30's to low 40's.

Councilperson Wayne Winder reported when he was employed by the Sheriff's Department, their fleet Trucks only had a year warranty.

Councilperson Brad Woodrow asked Day if he has an idea of what Truck he is wanting, to which Day reported he would like a ¾ ton, 4X4, 4 door long bed, with a bedliner, base model, either gas or diesel.

Councilperson Dallan Doc Carlson asked Day if he would want to put a plow on the Truck, to which Day reported that is a possibility.

Mayor Isaac Loveland reported once we get the information from all the dealers, we can narrow down which Truck would be best suited for the needs of the City, and include the purchase in the Budget.

MANHOLE RISERS PURCHASE

Mayor Isaac Loveland reported the Ferguson Waterworks Bill in the List of Bills included some Manhole Risers.

Bryan Day, from the Maintenance Department, reported when they did the video of the Sewer Lines, they found several Manholes, around town, that need Risers. Day reported one Manhole was down fifteen inches from the road surface. Day reported he purchased some Manhole Risers to get started, and more Manholes will be needed to complete the Project.

Councilperson Dallan Doc Carlson asked if any on Market St. needed to be done, to which Day reported No. Carlson reported to Day he wants to get together to evaluate the condition of the roads again this year.

INFORMATION FROM CITY OFFICIALS

City Attorney Kerry McMurray reported to the Council the current International Building Codes need to be adopted by the City. McMurray reported he will have this ready for the March Council Meeting.

Council President Kevin Lloyd asked of the Hay Bales and Bleachers have been removed from the Park, to which Mayor Loveland reported not yet. They are waiting for colder weather before driving on the Park.

Mayor Isaac Loveland reported to the Council Keller Associates are going to review the Sewer Lines Video, and are planning to attend the March Council Meeting to give an update.

PRESENTATION OF BILLS

Mayor and Council Salaries *	1700.00
Salaries – Clerk *	2880.00
Deric Bell – Deputy Clerk *	698.26
Bryan Day – Maintenance Department *	3856.50
Ravyn Buck – Maintenance Department *	2015.00
PERSI – Employer Remittance (01/16-01/31/21) *	1201.29
DL Evans Bank – EFTPS 941 Employer Remittance (Jan. 21) *	2495.38
PERSI – Employer Remittance (02/01-02/15/21) *	938.86
Raft River Electric – Water Tank-45.13/Service Work-670.00 *	715.13
SelectHealth – Insurance (Mar. 21) *	954.00
Road Work Ahead – Street Signs *	43.56
Southern Idaho Solid Waste – Garbage Fee (Jan. 21) *	12.00
State Insurance Fund – Annual Premium *	4216.00
Val Kotter & Sons, Inc. – CCTV Sewer Lines *	25901.00
Ace Hardware – Maintenance Supplies	149.39
ATC Communications – Phone, Internet, Lift Station, & Wells	503.34
Bonneville Power Administration – Transmission/Power (Jan.21)	17595.00
Creekside Store – Maintenance Fuel (Feb. 21)	97.60
Done-Right Contracting – Gravel	350.00
Ferguson Waterworks – Maintenance Supplies	1554.33
Haun’s Hardware – Maintenance Supplies	15.99
ICRMP – 2 Nd Half Annual Premium (FY 20-21)	4673.50
Keller Associates – Monthly Fee/Land App Report/WFPS	3242.50
Kerry McMurray – Legal Services (Feb. 21)	1377.00
Lamont Young – Back-Up Operator Fee (Feb. 21)	300.00
Magic Valley Labs – Water Test	18.00
Nature Farms – Utility Deposit Refund	200.00
Raft River Electric – New Service #190	1714.20
UAMPS – General A&G Expenses	49.25
VISA – #1475 M. Yeaman Feb. 21 Stmt. (Webcam for Shop)	28.61
VISA - #3522 B. Day Feb. 21 Stmt.	300.90
Water District 140 – 2021 Annual Assessment	<u>211.25</u>
TOTAL	\$80,007.84

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Lloyd, seconded by Winder, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye. Adjournment was at 8:55 p.m.

Isaac Loveland, Mayor

Mary Yeaman, City Clerk-Treasurer