

ALBION CITY COUNCIL MEETING
MINUTES February 7, 2023.

CALL TO ORDER – The meeting was called to order at 7:00 pm in the Albion Civic Center by Mayor Isaac Loveland.

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

ROLL CALL – Present: Mayor Isaac Loveland, Council President Kevin Lloyd, Councilpersons Dallan Doc Carlson & Wayne Winder, City Clerk-Treasurer Linda Hutchison, Deputy Clerk Deric Bell and City Attorney Kerry McMurray. After appointment in the beginning of the meeting, new Councilperson Tyson Tolman was present on the stand for the meeting.

OTHERS IN ATTENDANCE – Earl Warthen, Jan Johnson, Bunny Johnson, Troy Mortensen, Misty Burch, Virginia Hall, Tony Prescott, Giselle Prescott, Pat Field, Tyson Tolman, Ashley Tolman, John Davis, Nathan Davis, Kim Davis, Kathy Endres, James Endres, Lance Holman, Leisa Anderson, Debra Adams, Leroy Robinson, Tanner Allred.

APPROVAL OF MINUTES- Upon motion made by Carlson, seconded by Lloyd, and unanimously carried, with the following vote: Lloyd-aye, Carlson-aye, Winder-aye, the Council moved to approve the Minutes of the January 3, 2023, Council Meeting.

APPROVAL OF BILLS – Mayor Loveland asked the council to consider who is responsible for charges from Raft River Electric for some recent service work that occurred when a neighbor's tree fell on another customer's power line, breaking the customer's pole and tearing down the secondary power line. After some discussion among the Council, Attorney McMurray advised that we legally need to bill the customer who had damage to their property. After that it would be between the neighbors to work out. Councilman Lloyd wanted it to be stated that the cost of the recent judicial confirmation for the City Water Project ended up costing the city a lot more than the originally predicted because of the confirmation being contested. Upon motion made by Winder, seconded by Lloyd, and unanimously carried, with the following vote. Lloyd-aye, Carlson-aye, Winder-aye, the Council moved to approve payment of the Bills as presented.

LAW ENFORCEMENT REPORT – December 2022 Report – (1) 48 hr. tow, (1) Warrant Service, (1) Alarms (all), (10) Traffic Stops, with 5 citations issued. (1) Accident -Injury/Unknown Injury, (1) 911 Hang Up/Open line/Prank call, (1) Abandoned vehicle, (1) Dog Complaint, (2) Civil paper service, (1) SRO call, (1) VIN inspection, (1) Insurance – fail to provide proof of insurance, (1) Speed-Basic rule -INF, (3) Speed-Exceed maximum speed limit- INF.

January 2023 Report – (1) Fire-Alarm, (8) Traffic Stops, resulting in 2 citations issued, (1) 911 Hang Up/Open line/Prank call, (2) Business check, (1) Suspicious Vehicle, (1) Dog Complaint.

ANIMAL CONTROL REPORT – No report given.

APPOINTMENT OF NEW COUNCIL PERSON

Mayor Loveland recommended Tyson Tolman for new Councilman. Councilman Lloyd asked Tyson to introduce himself, Tyson gave a brief introduction and stated his views. Motion was made by Councilman Carlson to accept the appointment of Tyson Tolman, second by Councilman Winder with a unanimous vote of aye. Tyson Tolman was then sworn in by City Clerk Hutchison and officially joined the Council at that time.

CITIZEN'S ISSUES

Pat Field – Thanked Mayor & Council. Pat introduced himself as the District Chairman of the Republican Party for Cassia County. His responsibility is to go over voting roles. Concerning un-affiliated voters; especially during primaries. In larger counties there has been cross-over voting. In the primaries Democrat vs Republican matters more so than in the General election. Pat is working on a resolution to have people register affiliation 30 days prior to election of candidate. A lot of work has gone into this resolution and will be going to State house of representatives for approval. He would like more participation from Albion citizens. Pat thanked Mayor & Council for allowing the Republican Party to hold last month's meeting at the Civic Center. Invitation was made to participate in future Republican Party meetings in person or via Zoom. Made note that the Republican Party is thriving in Cassia County.

John Davis – Who lives on Harper Road Said going up the hill to Murphy's residence is becoming a mud-bog. He asked that some road cones be placed to block off that section of the road. Mayor said he will have the city maintenance director set some cones up.

AGENDA ITEMS

TASK ORDER #9 – REQUEST FOR APROVAL TO WORK BETWEEN THE CITY AND REGION IV

Mayor Loveland emailed information about this to the Council. Mayor asked for approval to sign the task order. Motion made by Councilman Carlson to approve the task order. 2nd by Councilman Lloyd with a unanimous vote of all aye.

LEAD LINE SERVICE INVENTORIES

Federal Government is requiring all Cities to acquire inventory of all homes that have Lead water pipes by October 2024. Councilman Carlson suggested sending a letter out with the monthly City bills. City attorney McMurray said there's a 28 page guide book

available to reference. If Lead is identified there must be sampling performed. The homeowner will be responsible for repair/replacement of any lead pipes; the city will be responsible for identifying any lead pipes within the city limits. The city does have some exemptions due to the city's size. Mayor Loveland said this is something that our city must do.

ARPA GRANT REQUIREMENTS

Mayor Loveland asked Attorney McMurray for his input and after reviewing the agreement with DEQ noted that the PO Box listed for the city is not correct. The terms are as follows: Funds must be used by December 2026 and use the USDA loan for the balance. City agrees to all terms; Any changes must have written approval from DEQ. Must match all Federal & State Government laws & policies. All funds are a federal finance assistant account. All documents are required to be kept for 10 years. Pertaining to contractors – they must have a bond for 100% of the project, agree on staffing for maintenance & completion of the project & a one year warranty. Wages paid may be at Davis-Bacon wage rates possibly paid by using the USDA funds. The City is required to complete the Grant offer by March 31st ,2023. The Mayor asked Clerk Hutchison to Set up SAM ; it is already set up she will get on the SAM site and renew our account next week which is due in March. Motion to approve ARPA Grant requirements by Councilman Lloyd, 2nd by Winder With unanimous vote of all aye.

LAND APP REPORT

We have very little information on the Land App. No testing was performed last year. Yield information was provided by Leroy Robinson. Maintenance Director Woodrow is getting things updated and ready for testing for next year. This is to be the 3rd year for incomplete reports.

LAGOON REPAIRS

There is concern of capacity if one side must be drained out. Keller Engineering is working on a plan for this.

LIFT STATION GENERATOR SERVICE

The generator has problems and needs to be repaired (i.e. a block heater & worn out gaskets and etc.). The Mayor is reviewing a repair quote with the Council for a total amount of \$2,078.00 through Energy Management Co. who we have used in the past. We have a yearly maintenance agreement with them. Motion to proceed with the repairs in the amount of \$2,078.00 was made by Councilman Carlson, 2nd by Councilman Winder with unanimous vote of all aye.

SIDEWALK PROJECT AGREEMENT

Finished reviewing the scope with Keller & Associates. We have been awarded \$190,000 for the Child Safety & Pedestrian Project. The scope was reduced due to inflation. Keller's engineering fee of \$29,000 cannot be paid from the grant money, according to the grant agreement. Attorney McMurray noted that most every grant funded project must be professionally engineered. Kevin noted we would then have \$29,000 to add back to the scope. The city was awarded \$250,000 but that amount was reduced due to position on the list. Lloyd said we should engineer the project for the actual amount of funding the city was awarded of \$190,000. Motion to approve the mayor to sign the side walk project agreement pending legal review was made by Councilman Lloyd and 2nd by Councilman Carlson with a vote of unanimous aye.

WHITMAN STREET PROJECT

This is a \$100,00 project with \$25,450 added back into the scope reason being we are not able to use the funds for engineering purposes. We need to tackle the water issues to manage the water flow under the street. January flooding proved the (2) 12" culverts currently in place under the road cannot handle the water flow needed. It would be possible to have the street repaired as is but know there will be more problems in the future. Another option would be to have the ditch moved, but acquiring the permits and permissions could be a potential problem. Mayor Loveland states we could possibly do the street repair in concrete, but this is also difficult situation as it does not solve the overall problem. Mayor asked for approval to spend the \$25,000 for engineering pending legal review. Motion for approval by Councilman Lloyd, 2nd by Councilman Carlson with a vote of all aye.

MAP BOOK

Mayor Loveland & Maintenance Director Woodrow have discussed having Keller Associates update our mapping. This would include location of water lines, proper flushing locations and water shutoff locations. Most of the mapping we currently have are marked on an old map with a highlighter. This could possibly cost \$1,000 - \$1,500 to have done. He just wanted the Council to think about if this was something we should do.

UNIDIRECTIONAL FLUSHING WATER SYSTEM

The city would like to have Keller Associates check on this to keep the city water system clean. More research will be done on this.

VEHICLE EXPENSES

Currently the grey Dodge City truck needs service. The quote from Commercial Tires for \$1,375 is to replace 2 of the ball joints. Carlson asked if we should replace the whole truck. Mayor Loveland asked the Council how much do they want to spend on this vehicle. It is a 2003 with many miles. Virginia Hall asked about getting other quotes on

the ball joint repairs. Carlson agreed and also proposed we get other quotes . Winder discussed approving up to a certain amount to have the repairs done. The mayor can currently approve up to \$2,000. Councilman Tolman suggested replacing all 4 of the ball joints on the truck to have it done correctly. Mayor Loveland asked for approval to spend up to \$1,500 for this repair. A motion to approve this was made by Councilman Carlson, 2nd by Tolman with a vote all aye.

FINANCIAL CONTROL POLICY

Attorney McMurray explained the policy and noted that, due to our size, the city has some limitation. We are using suggestions from our auditor and specifics for grant approval requirements. This policy will protect city staff by providing oversight to procedure. Attorney McMurray noted that the policy is the same as reviewed previously, it just has added verbiage to make it a resolution. The Mayor and the Council reviewed some of the items of the proposed policy: #8- Periodic review should be with the Council President, #9- Electronic payments allowed, checks need two signatures- and the Council agreed to have Deputy Clerk Deric Bell added as a signer. Council President could also appoint a designee for some of the duties in the event he was unable to perform them. Regarding timesheets approval, McMurray clarified that paying the Council does not need pre-approval. However, city staff needs to have their timesheets pre-approved by the Mayor. Attorney McMurray stressed that there has been no wrongdoing on the part of anyone in the City, but adopting these changes will put the city into compliance with DEQ and address reoccurring concerns presented by our auditors. Motion to adopt Resolution #2023-01 was made by Councilman Carlson, 2nd by Lloyd with vote of all aye.

SERVICE WORK

Mayor Loveland asked the council for a decision on interest and or a fee for service work. The city is currently financing customers when they pay for service work in installments. Attorney McMurray pointed out the law requires a notification or agreement of the incursion of debt that should be done before work is done. Essentially, we must have the customer sign, if the situation is possible. The city needs approval from the customer to do the work and must explain the terms for repayment. Customers can make an agreement with the City Office Staff. McMurray suggested that we round out the current laws that already exist. Mayor Loveland asked the council for thoughts on having a set fee or interest structure. The law states that charges in this case cannot exceed \$15 or 5%, whichever is more, monthly. McMurray advised that the fee is to be able to cover administrative costs and should be based on those costs. A flat fee of \$15 per month for 4 months was proposed. No motion was made at the time, but Attorney McMurray stated that he will create the needed policy to hopefully be ready for the next Council Meeting.

REDUCED UTILITY BILL

The council reviewed the application for reduced utility with Mayor Loveland for proposed customer. Loveland asked if the Council had any questions or concerns. It was noted that the property is truly vacant. A motion to approve the application was made by Lloyd, 2nd by Winder, vote all aye.

INFORMATION FROM THE COUNCIL - AD/HOC

Mayor Loveland updated the Council on Maintenance Director Brad Woodrow’s licensing progress, noting that all is progressing well. He brought up that the City currently has no pricing structure for use of the Civic Center. He feels that we should not compete with the City’s other businesses. The Council agreed that there should be a fee associated with using the building. It could be discussed more in the future. Mayor Loveland also said Albion is the only city in the area that does not participate in the Chamber of Commerce. The cost is \$300 per year and provides advertising and promotion City events. Albion has previously been a member of the Chamber of Commerce. He just wanted to let the Council know. Councilman Lloyd requested a meeting with city staff pertaining to new financial control policy. He and City staff would work together to find a time. Councilman Winder asked about a possible fee for using the Civic Center. Attorney McMurray stated we must go through the hearing process if this is what is decided.

Pat Field asked the Mayor if he could take another minute or two. He informed the audience that on February 25th @ 11am, the Republican Party will be having a meet & greet with Governor Little at Morey’s Steak House in Burley. The cost will be \$35 per person and Field hoped to see excellent participation.

PRESENTATION OF BILLS

Mayor and Council Salaries*	1,700.00
Brad Woodrow - Maintenance Director*	4,800.00
Linda Hutchison - City Clerk/Treasurer *	2,954.50
Deric Bell – Deputy Clerk*	1,322.54
PERSI – Employer Remittance- 2/1/23 –2/28/2023*	2,246.06
DL Evans Bank–EFTPS941 Employer Remittance Feb.2023*	2,076.50
Select Health – Insurance*	1316.00
Burley Reminder – 2 Name plates & Holder	40.00
ICRMP – 6 month Premium	4,649.50
ATC Communications – Feb.2023	598.83
Bonneville Power Administration	24,608.00
Hunter Snooks – City Utility Deposit Refund	200.96
Creekside Store – Maintenance Fuel	105.00
ETS Email License –	58.00
Ferguson Waterworks – Meters, Pad, & lock Box	4,082.38
Keller Associates – Monthly Fee & Engineering Service	3,527.50
Kerry McMurray – Legal Services Feb. 2023*	1,045.50

Lamont Young – Back-Up Operator Fee	300.00
Magic Valley Labs – Bacteria & Nitrate tests	70.00
Norco – Cylinder Rental	11.76
Raft River Electric -System Repairs & Maint.	1,077.63
STATE INSURANCE FUND -	2,702.00
Times-News - Publish Notice of Intent to file USDA ap.	67.02
UAMPS – General A&G Expenses	52.51
Visa – #2580 L. Hutchison- Toner & Paper	1,066.39
Visa - #3554 B.Woodrow - Truck serviced, shop supplies	358.26
Western Waste Services – Dumpster	53.97
Water District 140 – Annual Assessment	122.76
Total	61,210.57

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Lloyd, seconded by Carlson, and unanimously carried, with the following vote: Lloyd-aye, Carlson-aye, Winder-aye and Tolman-aye. Adjournment was at 8:35 pm.

Isaac Loveland/ Mayor

Linda Hutchison, Clerk – Treasurer