

**ALBION CITY COUNCIL MEETING
MINUTES APRIL 4, 2017.**

CALL TO ORDER – The meeting was called to order at 8:00 p.m. in the Albion Civic Center by Mayor Sharon Hardy-Mills.

OPENING CEREMONIES – The Pledge of Allegiance was led by Mayor Hardy-Mills.

ROLL CALL – Present: Mayor Sharon Hardy-Mills, Council President Chad Manderscheid, Councilpersons Zack Alexander, Mike Gailey, and Isaac Loveland, City Clerk-Treasurer Mary Yeaman, City Attorney Kerry McMurray, and Maintenance Department Shawn Burton.

OTHERS IN ATTENDANCE – Bill Estes, Kylee Douglas, Pat Butz, Ivan McCracken, Deputy Clerk Sharity Parish, Steve Noriyuki, Kerri Burkhart, Lynn and Emily Jane Wickel, Don and Carolyn Adams, Chip Harris, Chad Harris, John and Jody Burrows, Nick, Kelli and Bayne Claunch, Mary Lynne Bristol, Brandi Perry, and John Davis.

APPROVAL OF MINUTES – Upon motion made by Loveland, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Gailey-aye, Loveland-aye, and Manderscheid-aye, the Council moved to approve the Minutes of the March 7, 2017 Council Meeting as presented.

APPROVAL OF BILLS – Upon motion made by Alexander, seconded by Loveland, and unanimously carried, with the following roll call vote: Alexander-aye, Gailey-aye, Loveland-aye, and Manderscheid-aye, the Council moved to approve payment of the Bills as presented.

LAW ENFORCEMENT REPORT – Resident Deputy Jason Lynch was not in attendance, therefore no Law Enforcement Report was received.

ANIMAL CONTROL REPORT – Shawn Burton, from the Maintenance Department, reported two (2) dogs were loose in town, and both dogs were returned to their owners. Burton also reported he spoke with Resident Deputy Jason Lynch about several dog complaints received on constantly barking dogs.

AGENDA BUSINESS ITEMS

PUBLIC HEARING – VACATE PROPERTY REQUEST

Mayor Sharon Hardy-Mills reported to the Council the City has received a Vacate Property request from Kerri Burkhart.

Councilperson Zack Alexander reported to the Council he has a conflict of interest regarding this request, as he is employed by John and Jody Burrows. Alexander recused himself, left the Council table, and sat in the audience.

Mayor Sharon Hardy-Mills reported the Public Hearing will be conducted as follows: the Applicant Kerri Burkhart will be first to speak, informing the Council of her reasons for the Vacate Property request. Those wishing to speak in favor of the request will be allowed to make comments, after coming to the podium and stating their name. Next those wishing to make neutral comments will be allowed to speak, and then those wishing to make comments against the request will be allowed to speak. After all comments are received, the applicant Kerri Burkhart will be allowed to make final comments. The Mayor reported the Public Hearing will then be closed to Public comments, and the Council will have the opportunity to voice their opinions on the request. The Mayor turned the time over to Kerri Burkhart.

Kerri Burkhart reported to the Council she is the owner of the property located at 502 Pierce St. and she wants to sell her property. Burkhart reported she has a buyer interested in purchasing her property, but they are hesitant because the garage is located in the City's easement. Burkhart told the Council this is the reason for the Vacate Property request, I just want to sell my property. Burkhart reported to the Council she has heard there are concerns about land locking the property near hers, If the property is vacated but this is not an issue, as there are other ways to access the property near hers.

Councilperson Mike Gailey asked Burkhart why this issue was not brought up at the time they purchased the property, to which Burkhart reported they had no concerns about it at that time.

Councilperson Mike Gailey asked Burkhart what condition the garage is in, to which Burkhart reported it is in good shape, but the concrete floor is cracked.

Burkhart reported to the Council the potential buyer will not buy the property if the property is not vacated, the selling of the property is contingent upon the vacate request being granted.

Pat Butz, 424 Pierce St., reported to the Council she owns the property to the north of Burkhart's and she is in favor of the property vacate. Butz reported to the Council the garage was built without knowing the property was in the City Limits. No other comments in favor were made.

Jody Burrows, 546 Pierce St., reported to the Council she and her husband John are opposed to vacating the property. Burrows reported this would land lock our property because the road, on the south side of their property, was vacated without any notice to the surrounding property owners. Burrows told the Council they need access to their additional lots, as they may be sold in the future.

Emily Jane Wickel, 550 Pierce St., reported to the Council she lived in Albion for thirty-nine (39) years and her ground is to the back. Wickel told the Council there is enough room to the north of the garage to put in a road.

John Burrows, 546 Pierce St., reported to the Council the property is a dedicated street, and should not be vacated. If it is, pretty soon there will be no access and his property

will be land locked, which should never be done. Burrows reported they need access to their building lots, saying that is why we purchased them.

It was asked what the width of the road is, to which Councilperson Isaac Loveland reported, all roads in Albion are different widths.

City Attorney Kerry McMurray reported the City of Albion is part of the Cassia County Transportation Plan that outlines all of Albion's road widths.

Kerri Burkhart reported to the Council the County Mapper, Todd Quast, told her there are three (3) easements to the property south of hers. Burkhart reported you can drive on Tremayne St. to Banners, and turn left to access the Burrows property. This does not land lock anyone's property if the vacate request is granted.

John Burrows, 546 Pierce St., asked how the Banners feel about people driving on their property.

Pat Butz, 424 Pierce St., reported one roadway is on our property to Banners. An easement could be made on the backside of her property. This was done in the 1900's to access the slaughter house by the Hepworth's. Butz also reported this area always floods.

Jody Burrows, 546 Pierce St., told the Council she does not know about any other easements, but if they do exist, they should be deeded and dedicated.

Kerri Burkhart reported to the Council she did not want to upset or fight with anyone, she just wants to be able to sell her property. Burkhart told the Council she feels the only ones that are really affected by the Vacate Property request is the Butz property and her property.

Mayor Sharon Hardy-Mills thanked everyone for their comments, and closed the Public Hearing to further Public comments. The Mayor reported it is now time to hear from the Council members.

Councilperson Mike Gailey reported to the Council there are no facts to show how far the garage sets into the easement, and maybe only a part of the easement should be vacated. Gailey told the Council he feels a total vacate of the property is wrong. Gailey also reported to the Council maybe the City should not vacate the property because the Burkhart's knew of the problem when they purchased the property. Gailey told the council he feels they need more evidence to make a responsible decision.

Councilperson Isaac Loveland reported to the Council we cannot vacate the whole easement as this would be wrong. Loveland reported it is not fair to land lock anyone's property, and we need to know what utilities are in the area. Loveland agreed that more evidence is needed before the Council can make a decision, and reported the City is not paying for anything to get more evidence.

Council President Chad Manderscheid reported to the Council he cannot support a total vacate of property at this time.

Mayor Sharon Hardy-Mills reported to the Council maybe the garage could be moved or torn down. The Mayor suggested a survey be done, on the property, in order to help the Council determine the best decision. The Mayor agreed with the Council, more evidence needs to be provided.

Mayor Sharon Hardy-Mills reported a decision on the Vacate Property request will not be made tonight. The Mayor asked Burkhart to provide the needed information to the Council for further review on this matter.

City Attorney Kerry McMurray reported to the Council Burkhart provided a Legal Description of the Property along with the Petition for a total Vacate of Property, and a Partial Vacate of Property can be done under this Hearing.

The Mayor and Council decided to continue this Public Hearing at the May 2, 2017 Council Meeting. Mayor Sharon Hardy-Mills recessed the Public Hearing at 9:00 p.m. Mayor Sharon Hardy-Mills reported she appreciates those taking time to attend the Public Hearing and making comments.

AUCTION IN PARK PAVILION

Mayor Sharon Hardy-Mills reported to the Council the City received a request to hold an Auction, on Saturday, April 22, 2017, in the Park Pavilion.

City Attorney Kerry McMurray reviewed the Itinerant Merchant Ordinance with the Council. After review of Ordinance No. 2016-09-01, the Attorney and Council agreed a bona fide Auction could be held at the Park Pavilion. The provision to allow the Auction was found in Title 3, Chapter 5, Section 2 (A) Exceptions number 9. The Auctioneer will be required to provide Insurance for the Auction, with the City being named as an additional insured party. City Attorney McMurray reported the Auctioneer is also required to purchase a License for twenty-five dollars (\$25) from the City.

Bill Estes, from Estes Auctioneering, reported to the Council the State no longer requires a Permit or License for Auctions being held in Idaho.

Upon motion made by Gailey, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Gailey-aye, Loveland-aye, and Manderscheid-aye, the Council moved to approve Bennie Smyer having an Auction in the Park Pavilion on Saturday, April 22, 2017.

4TH OF JULY COMMITTEE REPORT – KYLEE DOUGLAS

Kylee Douglas reported to the Council there are only four (4) members of the 4th of July Committee so far, which is not nearly enough. Douglas reported if more people do not volunteer to help, there may not be a 4th of July Celebration next year. Plans are being made for this year, but it is really hard with such a small Committee. Douglas reported the Parade will start at 10:30, as usual, with the Patriotic Program to follow at the Park, and hopefully games and food vendors following the Program. Douglas asked the Council if they would make a contribution towards the 4th of July Celebration again this year.

Upon motion made by Manderscheid, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Gailey-aye, Loveland-aye, and

Manderscheid-aye, the Council moved to approve making an eight hundred dollar (\$800) contribution to the 4th of July Celebration.

Mayor Sharon Hardy-Mills reported there has to be a 4th of July Celebration next year, as it is the one hundred fifty year (150) anniversary for the City of Albion, and we need to have a major Celebration to honor the milestone. The Mayor suggested to the Council, we may want to budget for a larger contribution, to the 4th of July Celebration next year, because of the one hundred fifty (150) year anniversary milestone.

MICROPHONES FOR CIVIC CENTER – CHIP HARRIS

Mayor Sharon Hardy-Mills reported to the Council she asked Deputy Clerk Sharity Parish to check on getting microphones for the Civic Center. The Mayor reported she would like to have microphones used during Council Meetings, in order for everyone to better hear what is being said. The Mayor reported Parish contacted Chip Harris for information on microphones for the Civic Center. The Mayor turned the time over to Chip Harris for his presentation to the Council.

Chip Harris reported to the Council he has looked at the equipment the City currently has, which consists of large speaker boxes, a couple of microphones, and an amplifier. Harris reported he has put together three (3) Options for the Council to consider. Option 3 is the least expensive, five hundred ninety-eight dollars and fifty-four cents (\$598.54), with this Option the City would use the system they have, along with purchasing four (4) new microphones, three (3) for the Council Table, and one (1) for the Podium. Using the current speakers, you will get a lot of feedback. The mixer would be located on the back wall behind the Council Table, with cables running under it to the mixer. Option 2 is in the middle, as far as the cost, two thousand five hundred thirty-seven dollars and fifty-seven cents (\$2,537.57), with this Option the City would purchase four (4) new microphones, three (3) for the Council table, and one (1) for the podium. The current speakers would be mounted on the wall, with the microphones and speakers being connected to the existing amplifier. Option 1 is the most expensive, six thousand five hundred fifty-five dollars and eighty-nine cents (\$6,555.89). With this Option the City would purchase four (4) new microphones, three (3) for the Council table, and one (1) for the podium, a four (4) channel auto mixer, a power amplifier, six (6) ceiling speakers with T-bar support brackets, a processor/feedback controller, and a wall mount equipment rack cabinet. All Options include system installation, setup, and programming.

Mayor Sharon Hardy-Mills asked about wireless microphones, to which Harris reported there are wireless options available. Mayor Hardy-Mills thanked Harris for coming to the Council Meeting and providing his information to the Council, and reported we will have to look at this issue further, to possibly include it in next year's Budget.

MAINTENANCE SHOP UPDATE

Stave Noriyuki reported to the Council the Contractor is getting ready to pour the footings for the Maintenance Shop. The footings have been dug, the rebar has been set, and as soon as an inspection is done, the footings will be poured. Noriyuki reported the Shop Building will most likely be delivered the third week in April. Noriyuki asked

City Attorney Kerry McMurray if a Bid Package for the Building Erection could be available soon, with a Bid being selected at the May Council Meeting, and the Shop Building being put up in May, to which city Attorney Kerry McMurray reported that can be done. Noriyuki asked about the two (2) overhead doors for the Shop, saying it would be a good idea to start shopping around for the best deal.

Upon motion made by Loveland, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Gailey-aye, Loveland-aye, and Manderscheid-aye, the Council moved to authorize Project Manager Steve Noriyuki to acquire two (2) overhead doors at the most reasonable cost.

Steve Noriyuki urged the Council Members to come look at the Shop site, saying Shawn did a great job of preparing the site, and he reported the Concrete Contractor is doing a great job also.

WEST ST. CULVERT UPDATE

Ivan McCracken, from J-U-B Engineering, reported to the Council the West St. Culvert Project will be ready to be put out for Bids soon. Construction of the Culvert Project will take place in September or October of this year. McCracken reported the Culvert is a three (3) sided cast in place Culvert. For frost concerns, the water will be diverted into the irrigation system. McCracken reported the Culvert Project has been rated as a Test Level 2, which requires Guard Rails to be installed. Guard Rails will cost an additional five thousand to ten thousand dollars (\$5,000 to \$10,000). The Guard Rails would be thirty-three inches (33") in height, based on safety standards requirements. McCracken reported to the Council we may be able to get around installing the guard rails by putting a List of Reasons together showing good cause why the Guard Rails are not needed. The Guard Rails will be included in the Bid Package, as a separate item, that can be taken out if allowed. McCracken reported to the Council he will go over his Budget on this Project, but he is not passing the cost on to the City.

SURPLUS EQUIPMENT

Shawn Burton, from the Maintenance Department, reported to the Council a couple of people have come to look at the surplus Equipment, which includes the sweeper, crack sealer, auger, sander, and jetter, and neither party is interested in the Equipment. Burton reported the problem is the Equipment is so old, and most pose a safety hazard. Burton reported selling the Equipment as salvage has been suggested as the best route to take.

City Attorney Kerry McMurray reported to the Council, an Itemized List needs to be put together before the City can declare the Equipment Surplus.

Mayor Sharon Hardy-Mills asked Burton to put the Itemized List together for the next Council Meeting. The issue was tabled until the May Council Meeting.

BASKETBALL PAD AT PARK

Mayor Sharon Hardy-Mills reported to the Council she has an anonymous donor that would like to install a Basketball Pad and Hoop at the City Park. The Mayor reported it would probably be a quarter or half (1/4 or 1/2) Court.

The Council discussed the possibility of putting in a full Court, with the City paying the difference.

Motion made by Manderscheid, to go ahead with the Basketball Pad died due to the lack of a second.

The Council wants to check what the cost would be before making a decision. The issue was tabled until the May Council Meeting.

WATER REUSE CONFERENCE ATTENDANCE

Shawn Burton, from the Maintenance Department, reported to the Council he would like to attend the Idaho Rural Water Reuse Conference being held in Boise on May 16th, 17th, and 18th. Burton reported the cost to attend the Conference is one hundred fifty-five dollars (\$155), and he will earn CEU's for two (2) of his Operators Licenses.

Upon motion made by Manderscheid, seconded by Gailey, and unanimously carried, with the following roll call vote: Alexander-aye, Gailey-aye, Loveland-aye, and Manderscheid-aye, the Council moved to approve Burton attending the Reuse Conference in Boise, and approved paying the one hundred fifty-five dollars (\$155) Registration Fee.

AIC SPRING DISTRICT MEETING ATTENDANCE

Mayor Sharon Hardy-Mills reported to the Council the Association of Idaho Cities (AIC) is having a Spring District Meeting in Burley Tuesday, April 25th at the Burley Best Western Inn from 9:00 to 3:00. The Mayor reported the cost to attend is thirty-five dollars (\$35), which includes all materials received and lunch. The Mayor reported she is unable to attend, and asked the Council Members if they are interested in attending, to which they replied, they are unsure if they will be able to attend. The Mayor reported the City Clerk and Deputy Clerk will be attending the District Meeting therefore the City Office will be closed that Tuesday.

COUNCIL GOALS REVIEW

Mayor Sharon Hardy-Mills reviewed the List of Goals with the Council. The Mayor reported the West St. Culvert Project is moving forward, as discussed earlier, Promoting Growth and Business has been discussed, Flood/Emergency Preparedness Plan Deputy Clerk Sharity Parish met with FEMA to report the cost estimate of Flood Damage in Albion, LHTAC is also asking for information on Flood Damage in Albion, and sandbags are still available if needed, Resurfacing Roads will be done as Funds allow, Walking Paths, Sidewalks, and Lighting is still being worked on, New Maintenance Shop concrete will be poured soon, as discussed earlier, Review Ordinances Reconnect Fees will be discussed at the May Council Meeting, Non-Potable Water a Committee Meeting will be held soon, City Wide Clean-Up will be scheduled

soon, City Website is a work in progress, City Office Moved to Civic Center needs to be looked into, and Civic Center Sign will be an Eagle Scout Project for Riken Schulthies.

DELINQUENT ACCOUNTS REVIEW

Deputy Clerk Sharity Parish reported to the Council she spoke with Ray, from the Collection Agency, and asked that our accounts be returned to us along with addresses, to which he agreed. Parish reported the List of accounts and addresses were not faxed as agreed, so she called again. Parish reported Ray was extremely rude, and said he did not agree to send the addresses, and he would not give them to us, but he did send a List of the accounts. Parish reported the City could use Experian to find addresses, but the Fee is fifty dollars (\$50) a month and a yearly contract is required. Parish reported she has been able to find all addresses, except two (2), and asked the Council what they want to do before the time limit expires.

After a brief discussion, the Council agreed to send a "Demand Letter" to the accounts from Collections, and if no response is received, then the accounts will be filed with small claims.

Councilperson Mike Gailey reported to the Council we need to keep after them, at least the ones we can.

The Council asked that the "Demand Letters" be sent Certified/Signed Receipt.

City Attorney Kerry McMurray was asked to prepare a "Demand Letter" for the City.

INFORMATION FROM CITY OFFICIALS

Mayor Sharon Hardy-Mills reported to the Council the City received an Arbor Day Grant in the amount of three hundred dollars (\$300). The Grant is a Reimbursement Grant and can only be used for the purchase of trees, or planting materials, which can only be purchases from a State Licensed Nursery. The Mayor reported she will check with Evergreen Nursery to see what trees they have available to plant at the Albion Elementary School.

Councilperson Isaac Loveland suggested checking with Teton Trees in Acequia to see what they might have available.

Mayor Sharon Hardy-Mills said she will call them to see what they have to offer.

Mayor Sharon Hardy-Mills reported to the Council there has been some vandalism at the Park, which she has not reported yet. The Mayor also reported a vehicle, of some kind, has driven on the grass, and there are electrical wires lying on the ground, which she is very concerned about. The Mayor provided pictures for the Council to review. The Mayor asked the Council what they would like to do, to which Councilperson Isaac Loveland said it needs to be reported to the Sheriff's Office, so it will be on record.

Shawn Burton, from the Maintenance Department, reported that Gwen Montgomery works in the Park by the Fountain, but it was mentioned, by a couple of people, that she would probably not leave the area in such disarray.

The Mayor reported that a "Plan" should be presented to the City Council and approved by the City Council, before any changes are made in the Park.

PRESENTATION OF BILLS

Mayor and Council Salaries *	190.00
Salaries – Maintenance- /Clerk- *	
Sharity Parish – Deputy Clerk *	
Jeremiah Wood – Maintenance Helper *	
PERSI - Employer Remittance (03/16-03/31/17) *	786.73
DL Evans Bank – EFTPS 941 Employer Remittance (Mar. 2017) *	1803.80
PERSI – Employer Remittance (04/01-04/15/17) *	743.53
Raft River Electric – Water Tank *	142.02
SelectHealth – Insurance (May 2017) *	1317.00
State Tax Commission – W/H Tax 1 st Qtr *	712.00
Association of Idaho Cities – 2017 Spring Dist. Meeting Reg. *	70.00
Ferguson Waterworks #1701 – Maintenance Supplies *	50.38
Ace Hardware – Maintenance Supplies	48.59
ATC Communications – Phone, Fax, Internet, & Lift Station	418.81
Bonneville Power Administration – Transmission/Power (May 17)	14227.00
Creekside Store – Maintenance Fuel (April 2017)	
Evergreen Nursery & Landscaping, Inc. – Arbor Day Materials	285.00
Kerry McMurray – Legal Services (April 2017)	
Magic Valley Labs – Water Test	16.00
Productivity Plus – Pioneer Equipment (Backhoe Latch Assembly)	154.35
Sharity Parish – April 2017 Travel Claim	17.50
Stephenson Computer Consulting, Inc. – Fix File Shares	40.00
Sweets Portable Waste Service – Portable Toilets Rental	
T-W, Inc. DBA Tires West – 2003 Dodge Service	36.20
UAMPS – General A&G Expenses	
VISA - #7977 S. Burton April 2017 Stmt. Cell Phones	153.75
VISA - #4409 M. Yeaman April 2017 Stmt. QB Renewal, Supplies	955.15
VISA - # 9913 S. Hardy-Mills April 2017 Stmt. Norton Renewal	<u>119.98</u>
TOTAL	22,287.79

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Manderscheid, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Gailey-aye, Loveland-aye, and Manderscheid-aye. Adjournment was at 10:30 p.m.

Sharon Hardy-Mills, Mayor

Mary Yeaman, City Clerk-Treasurer