

**ALBION CITY COUNCIL MEETING
MINUTES JULY 2, 2019.**

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

OPENING CEREMONIES – Pledge of Allegiance led by Councilperson Kevin Lloyd.

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

OTHERS IN ATTENDANCE – Robert and Jeanna Baker, Adelmo Maestas, Gene Pitchford, Jason Phillips, Myron Wilson, Bob and Jan Johnson, and Mary Lynne Bristol.

AMEND AGENDA – Upon motion made by Lloyd, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Manderscheid-aye, the Council moved to approve adding Business Item #2 to the Agenda, and approved Amending the Agenda to do so.

APPROVAL OF MINUTES – Upon motion made by Lloyd, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Manderscheid-aye, the Council moved to approve the June 4, 2019 Council Meeting Minutes as presented.

APPROVAL OF BILLS – Upon motion made by Alexander, seconded by Manderscheid, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, Lloyd-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 at the meeting, as he was helping with the Color Run. Mayor Isaac Loveland read the June 2019 Law Enforcement Report, which included the following: fifteen (15) Traffic Stops, which resulted in ten (10) Verbal Warnings, and five (5) Citations, responding to one (1) 911 Hang Up Open Line/Prank Call, receiving one (1) Animal Complaint, responding to one (1) Overdose/Poisoning (Ingestion) Call, doing two (2) Follow Ups, doing Foot Patrol, and checking on three (3) Sex Offender Registries.

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

BUSINESS ITEMS

PUBLIC HEARING REQUEST FOR VARIANCE – BAKERS

Mayor Isaac Loveland opened the Public Hearing on the Request for Variance from Robert and Jeanna Baker. The Mayor reported the Hearing is being recorded and asked those wishing to speak to come to the front, and state their name and address for the record. The Mayor reported the Council should all have a copy of the Survey, from Moon & Associates, in your Packets, and thanked Jeanna Baker for providing the Survey, and said it should all be pretty simple from here. The Mayor asked if anyone needed an explanation on the Survey, to which the Council replied they did not. The Mayor reported, just so we are clear, the Variance for the front would be six point zero four feet (6.04'), and the Variance for the side would be twelve point seven-seven feet (12.77'). The Mayor asked if anyone has any comments at this time, there were none. The Mayor asked if the Council has any questions or comments at this time, to which Councilperson Chad Manderscheid asked about the setbacks.

City Attorney Kerry McMurray reported the actual front setback is twenty-five feet (25'), from the road right of way, and the actual side setback, on a corner, is twenty feet (20'), from the road right of way.

Council President Zack Alexander asked City Attorney Kerry McMurray if the actual Variance would be for the home only, to which City Attorney McMurray replied Yes, that is correct. Council President Alexander reported that if another structure or fence is built, the original setbacks would need to be followed.

Councilperson Kevin Lloyd asked the Bakers what other structures are planned, and was told none for now.

Mayor Isaac Loveland reported the Bakers said they would put conduit under their driveway, to allow for utilities. To which Jeanna Baker reported ATC is going to install the fiber optic this week, and that Raft River Electric was going to get with the City on the power. Jeanna Baker reported they are hoping to pour the driveway after all the utilities are installed, but if not, they will put a pipe in.

Council President Zack Alexander asked how far are you pouring your driveway, to which Jeanna Baker reported they would like to pour it to the street. Baker told the Council there is another house in the subdivision that their driveway is to the street.

Jason Phillips asked if the Council is going to stick with these setbacks, or are you willing to make them less, they seem really extreme. Phillips told the Council when he builds, he does not want to run into the same problems that have happened in the past.

Council President Zack Alexander reported the twenty feet (20') corner setback is for sight safety.

Mayor Isaac Loveland reported the front setback is twenty-five feet (25'), and the side setback is five feet (5'), except on a corner lot, which is twenty feet (20').

City Attorney Kerry McMurray reported to Jason Phillips that he has two (2) options, 1) If you feel the setbacks do not work for you, you can request a Variance, and 2) You can request an Ordinance change.

Jeanna Baker asked if they can put their driveway to the road, to which City Attorney McMurray reported anytime you put something in a Public Right of Way, the City can tear it out if necessary. McMurray went on to say, you can't put anything in the Public Right of Way that impedes the City.

Council President Zack Alexander reported you may have issues with water pooling up around your driveway, as I do. The water from that barrow pit runs that direction.

Bob Johnson, 632 Pierce St. reported when the water comes down, there is no control over where it goes. Johnson also mentioned when the City is plowing snow, and hits a chunk of ice or a rock, it could damage your property being so close to the road, and if that happens, you cannot rightfully blame the City.

Mayor Isaac Loveland reported his biggest concern is the line of sight, this is a real safety issue.

Council President Zack Alexander told the Council maybe we should consider installing a STOP Sign on that corner.

Mayor Isaac Loveland asked if there were any other comments or concerns, there were none. The Mayor reported we need a motion, one way or the other, on this Variance Request.

Upon motion made by Lloyd, seconded by Carlson, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Manderscheid-aye, the Council moved to accept and approve the Variance Request from Robert and Jeanna Baker. The Variance granted is for six point zero four feet (6.04') in the front, and twelve point seven-seven feet (12.77') on the side, and the Variance is specifically for the home only.

REVIEW AND ADOPTION OF ORDINANCE NO. 2019-07-01 AND SUMMARY FOR PUBLICATION

City Attorney Kerry McMurray presented Ordinance No. 2019-07-01, with the following changes: Section 2 7-6-4 and shall have the additional meters installed at its expense, and were taken out, and which shall be installed by the City was added., and The property owner, and but such work shall be under the supervision and inspection of the authorized personnel of the City was added. In Section 3 7-6-12 As part of the construction of the new water system in 1992, the City will construct an appropriately sized water service line at the City's expense which shall run from the main line to the property line of each individual property owner who was receiving services from the City's prior water system, and other was taken out, and Thereafter, or after the water service line has been installed, each water service line within the right of way or easement shall be maintained by the City at its expense and kept within and under its exclusive control and jurisdiction was taken out. Section 4 7-9-13 It shall thereafter be the responsibility of each individual property owner to was taken out, and Authorized City personnel will was added, with the Council being asked to review the changes. City Attorney McMurray suggested the Council waive the three (3) readings of Ordinance No. 2019-07-01.

The possibility of extending the water mainline to the annexed properties on S. Main St. was mentioned.

Mayor Isaac Loveland reported he is concerned about the current City Limits, and the expense of extending the lines.

Council President Zack Alexander suggested doing this sooner than later, before the road is repaired.

Jason Phillips told the Council it would be expensive to extend the lines, but the City would recoup the costs as people build.

Myron Wilson told the Council the developer usually puts in the water and sewer lines, and others pay to hook up to the lines, allowing the developer to recoup his costs.

Upon motion made by Alexander, seconded by Lloyd, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Manderscheid-aye, the Council move to waive the three (3) readings of Ordinance No. 2019-07-01 AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AMENDING ALBION CITY CODE TITLE 7, CHAPTER 6, BY REPEALING SECTION 7-6-2 IN ITS ENTIRETY, AND PROPOSING NEW LANGUAGE FOR CONNECTION TO WATER SYSTEM REQUIRED, CONNECTIONS SPECIFICATIONS AND REQUIREMENTS, AND CONNECTION FEES; AMENDING SECTION 7-6-4 PROVIDING THAT THE CITY WILL INSTALL METERS AT PROEPRTY OWNERS EXPENSE AND UNDER SUPRERVISION OF AUTHORIZED CITY PERSONNEL; AMENDING SECTION 7-6-12 REPEALING THAT THE CITY WILL CONSTRUCT WATER SERVICE LINES AT CITY EXPENSE AND THAT CITY WILL MAINTAIN SERVICE LINES IN THE CITY RIGHT OF WAY OR EASEMENT; AMENDING SECTION 7-6-13 TO PROVIDE THAT WATER METERS WILL BE INSTALLED BY AUTHORIZED CITY PERSONNEL RATHER THAN PROPERTY OWNER; PROVIDING A SEVERABILITY CLAUSE; REPEALING OR RECINDING ALL ALBION CITY CODE PROVISIONS IN CONFLICT WITH THIS ORDINANCE; AND SETTING AN EFFECTIVE DATE.

Upon motion made by Alexander, seconded by Lloyd, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Manderscheid-aye, the Council moved to approve and adopt Ordinance No 2019-07-01 AN ORDINANCE OF THE CITY OF ALBION, CASSIA COUNTY, IDAHO, AMENDING ALBION CITY CODE TITLE 7, CHAPTER 6 BY REPEALING SECTION 7-6-2 IN ITS ENTIRETY, AND PROPOSING NEW LANGUAGE FOR CONNECTION TO WATER SYTEM REQUIRED, CONNECTIONS SPECIFICATION AND REQUIREMENTS, AND CONNECTION FEES; AMENDING SECTION 7-6-4 PROVIDING THAT THE CITY WILL INSTALL METERS AT PROPERTY OWNERS EXPENSE AND UNDER SUPERVISION OF AUTHORIZED CITY PERSONNEL; AMENDING SECTION 7-6-12 REPEALING THAT CITY WILL CONSTRUCT WATER SERVIC ELINE AT CITY EXPENSE AND THAT CITY WILL MAINTAIN SERVICE LINES IN THE CITY RIGHT OF WAY OR EASEMENT; AMENDING SECTION 7-6-13 TO PROVIDE THAT WATER METERS WILL BE INSTALLED BY AUTHORIZED CITY PERSONNEL RATHER THAN PROPERTY OWNER; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING OR RECINDING ALL ALBION CITY CODE PROVISIONS IN CONFLICT WITH THIS ORDINANCE; AND SETTING AN EFFECTIVE DATE as presented.

RFP FOR CITY ENGINEER

City Attorney Kerry McMurray presented the Mayor and Council copies of the Request for Proposals (RFP) for their review. McMurray reported the information provided last month was the Scope of Work. McMurray reported the RFP will allow the Council to

select an Engineering Firm that is the best fit for City Issues, that include the City's Electrical Distribution System, Water Distribution System, Storm Water Drainage System, Transportation System, and other City-Owned Facilities. McMurray reported the City will have a Review Team, which can be the Council, that will evaluate the information provided by the Engineering Firms, and will rank them according to the Criteria information received. McMurray reported this leaves the City in the driver's seat to select an Engineering Firm.

Mayor Isaac Loveland reported previously the City has hired Engineers per Bids. The Mayor reported this process will help the City in the long run, and keep problems from happening again.

City Attorney Kerry McMurray asked the Council when they want to put the RFP out, to which the Council agreed by the end of this week, or the first of next week. McMurray asked the Council when they would like to have the RFP back, to which the Council agreed to Wednesday, July 31st. McMurray asked the Clerk if she could scan and email the RFP's to the Mayor and Council, for their review before the August Council Meeting, to which the Clerk replied, Yes, she would do that. McMurray reported he will put a Notice together to be published in The Times News.

NET METERING AGREEMENT

Mayor Isaac Loveland reported to the Council the Solar Companies are not doing what they tell their customers they will do. The Companies are not obtaining Permits to install the Systems, or having the Systems inspected by the State. The Mayor reported the State requires a Permit to install the Systems, the Systems need to meet State Code, the Systems are required to have an Emergency Shut-Off, and need to be inspected by the State before going online. The Mayor reported each Net Metering Application needs to be approved by the Council, with a Study being done, before the Systems are installed. The Mayor told the Council we need to be careful with this issue.

City Clerk Mary Yeaman reported to the Council Raft River Electric found Net Metering Meters that are compatible with the City's System, for around sixty-four (\$64) dollars, but the Meters are sold in a unit of eight (8) Meters, and are six (6) to eight (8) weeks out.

DECLARE OFFICE EQUIPMENT LIST SURPLUS

Mayor Isaac Loveland reported the Clerk put a List together of Office Equipment she would like the Council to declare Surplus. The Mayor read the List provided, which includes a Printer, some Phones, and Routers, all of which do not work.

Upon motion made by Alexander, seconded by Lloyd, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Manderscheid-aye, the Council declared the Office Equipment Listed Surplus, and instructed the Clerk to get rid of the items.

BUILDING PERMIT POLICY

Mayor Isaac Loveland reported to the Council he would like a City Building Permit Policy developed that outlines what the City wants done, before the County issues a Building Permit. The City will provide the County with a copy of the Policy, allowing each entity to have the same information. The Mayor reported this would prevent the situation at Baker's home from happening again.

Councilperson Kevin Lloyd asked what can the City do to remedy this issue, can the City assess fines to those who go ahead and do what they want?

City Attorney Kerry McMurray reported the City can assess fines, but it would be best to tighten up what gets done first, then if someone goes ahead and builds without a Permit, this would result in hefty fines being assessed. McMurray reported a better understanding between the County and City will help remedy this issue.

Mayor Isaac Loveland reported when someone wants to build within the City, they need to provide the City with a Plot Plan, then Bryan can use the Plot Plan to measure from the correct locations, making sure all setbacks are met, then the City would issue a City Permit to be taken to the County, thus allowing the County to issue a Building Permit. The Mayor reported the Plot Plan needs to be followed, with a tape being pulled before any building is started.

Councilperson Dallan Doc Carlson reported to the Council he agrees with the Mayor, Bryan needs to measure the setbacks according to the Plot Plan provided, and if the house is moved or relocated, after the City measurements are done and approved, then the City has the right to tell them to tear the house down.

City Attorney Kerry McMurray reported to the Council a Judge would back the City on this.

Myron Wilson told the Council in Bakers case, some of the pins were not there, and normally you can look and see if it is wrong. The Inspector should have all the information, but in Bakers case, no Plot Plan was provided.

Mayor Isaac Loveland reported Bryan will measure, and check to make sure things are where they need to be, before any Permits are issued.

2019-2020 BUDGET WORKSHOP

Mayor Isaac Loveland asked the Council if they wanted to make any changes to the 2019-2020 Proposed Budget, to which the Council agreed they have no changes. With no changes to the 2019-2020 Proposed Budget, the Budget will be Published as presented.

INFORMATION FROM CITY OFFICIALS

Councilperson Kevin Lloyd reported to the Council the Park Committee overspent the Grant Funds, they received for the Park Project, by one thousand three hundred fifty-seven dollars and fifteen cents (\$1,357.15). Lloyd reported that Mike and Tressa Toner paid this difference. Lloyd reported the additional Pavers, and curbing around the Trees will be done as Funds become available. Lloyd reported to the Council the Park Project looks great. Lloyd reported the Park Committee has some questions such as: 1) How

extensive are the Drip Lines, 2) Stepping up the Electrical System, and 3) Photo Electric Lights for the Light Poles. Lloyd reported the Committee agreed to look into these issues. Lloyd also reported there was a lot of tension within the Committee.

Councilperson Kevin Lloyd to the Council he has been looking into Picnic Tables and Benches for the Park by Well #2. Lloyd reported the prices range from six hundred (\$600) dollars and up.

Mayor Isaac Loveland reported we have one thousand (\$1,000) dollars we can spend on Picnic Tables, and Benches.

Jason Phillips reported to the Council you can make Picnic Tables out of Muffler Pipe, and Lumber, which is not very expensive. Phillips reported you could also make Benches the same way.

Mayor Isaac Loveland reported this might be a good Eagle Scout Project, for someone needing a Project.

Council President Zack Alexander asked if the Weed Letters have been sent, to which the Clerk reported Yes, and we are getting a good response from those getting the Weed Letter.

Mayor Isaac Loveland reported the Letter explaining the reason for the Low to Moderate (LMI) Survey went out with the June Billing Statements. The actual LMI Survey will be sent out sometime next week.

Mayor Isaac Loveland reported someone put a firecracker in the Men's Bathroom toilet at the Park, and it blew a hole in the toilet. The Mayor reported Mark Catmull told Bryan he will donate a toilet for the Bathroom.

Bryan Day, from the Maintenance Department, reported the new toilet has been installed.

Mayor Isaac Loveland reported the City has installed Security Cameras, facing the Park Bathrooms, and hopefully we can catch who is vandalizing the Bathrooms. The Mayor also reported the County Deputies are watching the Park.

PRESENTATION OF BILLS

Mayor and Council Salaries *	1700.00
Salaries – Clerk *	2756.82
Deric Bell – Deputy Clerk *	958.14
Bryan Day – Maintenance Department *	3618.00
Ravyn Pawson – Maintenance Department *	1919.50
PERSI – Employer Remittance (06/16-06/30/19) *	970.59
DL Evans Bank – EFTPS Employer Remittance (June 2019) *	1989.76
PERSI – Employer Remittance (07/01-07/15/19) *	834.89
SelectHealth – Insurance (August 2019) *	1412.00
Raft River Electric – Water Tank-45.87/Service Work-2770.00 *	2815.87
Postmaster – Stamps for Surveys *	110.00
State Tax Commission – W/H Tax 2 nd Qtr. 2019 *	377.00

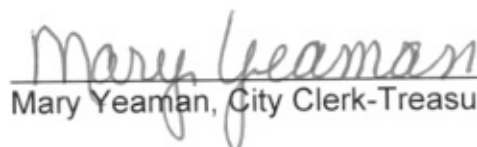
Ace Hardware – Maintenance Supplies	361.84
Association of Idaho Cities – ICCTFOA Dues 2019-2020	45.00
ATC Communications – Phone, Fax, Internet, & Lift Station	476.92
Bill's Sewer & Drain Service, Inc. – Checked Sewer Lines @ Park	352.00
Black Mountain Software – Annual Maintenance Fee	1402.00
Bolen's Control House, Inc. – Technical Services (Telemetry)	625.00
Bonneville Power Administration – Transmission/Power (June 19)	9616.00
Carquest of Burley – Maintenance Supplies	18.74
Colt Giles – Consulting Services (Maintenance)	100.00
Creekside Store – Maintenance Fuel (July 19)	281.28
Deric Bell – July 2019 Travel Claim (PERSI Training)	18.00
Ferguson Waterworks – Meter Pit Ext. & Mark Wand	365.58
Gem State Dairy Supply – Chlorine (36 gals.)	171.00
Greenlon, Inc. – Spraying Trees/Shrubs/Spiders	55.00
Hannah Mamer – Utility Deposit Refund After Final Billing	114.87
Haun's Hardware – Shop Tool/ Supplies	169.31
Kerry McMurray – Legal Services (July 19)	1224.00
Lamont Young – Back-Up Operator Fee (July 19)	150.00
Magic Valley Labs – Water Test	18.00
Metropolitan Compounds, Inc. – Triple Threat	283.03
Postmaster – Stamps for Office Use	344.00
Standard Plumbing Supply Inc. – Maintenance Supplies	18.69
The Times News – Ordinance/Public Hearing/Engineering/Budget	742.74
UAMPS – General A&G Expenses (April, May, & June 2019)	151.53
VISA - #3522 B. Day July 2019 Stmt.	<u>42.77</u>

TOTAL \$36,609.87

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Alexander, seconded by Manderscheid, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Manderscheid-aye. Adjournment was at 8:57 p.m.


 Isaac Loveland, Mayor


 Mary Yeaman, City Clerk-Treasurer