

**ALBION CITY COUNCIL MEETING**  
**MINUTES JULY 11th, 2023**

CALL TO ORDER – The meeting was called to order at 7:01 pm in the Albion Civic Center by Mayor Isaac Loveland.

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

ROLL CALL – Roll call by Clerk-Treasurer- Linda Hutchison. Present: Mayor Isaac Loveland, Councilpersons Dallan Doc Carlson, Tyson Tolman & Wayne Winder, Clerk-Treasurer Linda Hutchison, Deputy Clerk Deric Bell, Maintenance Director Brad Woodrow and City Attorney Kerry McMurray. Council President Kevin Lloyd joined the meeting by phone.

OTHERS IN ATTENDANCE – Earl Warthen, Pat Asher, Lesia Brackenbury, Tony Prescott, Giselle Prescott, Kathy Endres, James Endres, Bob Johnson, Cheyanne Spencer, Darrin Radeke, LeRoy Robinson, Cody Adams, Wylee Douglas, Danelle Jones, Nick Claunch, Kelli Claunch, Denise Clark, Sam Condie, Virginia Hall, Braquel Barkdull, Kayleen Mahoney, Rick Mahoney, Linda Prefontaine, Randy Koepnick, Pat Field and Dwight Parish. There was one name on the sign-in list that was illegible, a there were potentially 3-4 others that were not immediately recognized and did not sign in.

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 Tolman-aye, the Council moved to approve the Minutes of the June 6th, 2023, City Council Meeting.

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

**LAW ENFORCEMENT REPORT**

June,2023 (1) - Intoxicated Person, (1) - Civil Paper Service, (1) - Public Relations, (2) - 911 Prank Calls, (1) - Minor Accident, (2) - Traffic Stops with one citation issued, (1) - Battery

ANIMAL CONTROL REPORT – Woodrow stated there was nothing to report.

**GENERAL PUBLIC COMMENTS/ CITIZEN’S ISSUES**

No response was given when the Mayor asked for comments or other citizen’s issues.

**AGENDA ITEMS**

**PUBLIC HEARING – PROPOSAL TO ADOPT A MORATORIUM ON ISSUING SUBDIVISION PERMITS AND APPROVALS WITHIN THE CITY LIMITS OF THE CITY OF ALBION NOT TO EXCEED ONE HUNDRED EIGHTY-TWO DAYS, WHILE THE SUBDIVISION ORDINANCE IS REDRAFTED**

The hearing was called to order by Mayor Loveland at 7:06 PM.

Mayor Loveland asked Attorney McMurray if a motion was required to begin the hearing. McMurray advised that it would be a good idea. The Mayor instructed the audience that because the hearing is being recorded, anyone wishing to comment should come to the podium. They should state their name and address before giving comment either for or against the proposal. Loveland then asked for a motion to open the hearing. A motion to open the hearing was made by Winder and seconded by Lloyd and approved with a vote of: Lloyd-aye, Carlson-aye, Winder-aye and Tolman-aye. The Mayor then asked for comments for any of those in favor of the moratorium. There being no comments, the Mayor then asked for comments for those against the moratorium. From a seated position in the audience, Dwight Parish expressed that he was not sure if he was for or against this. He also wanted to know who

would be putting this together and whether the citizens would be involved in the drafting of it. Attorney McMurray stated that he was overseeing the legal aspects and that the involvement of citizens would be up to the Council. Mayor Loveland then explained some of the issues with the ordinance and iterated that this ordinance only applies to those living within city limits. A question from an unknow audience member was asked about why we would we be adding new homes because our water and sewer systems are already stressed to the max. The Mayor replied that he is unaware of any new homes being added to the city at this time. He explained that this moratorium would allow time to correct things that could be a potential problem if someone did apply. Mayor Loveland then stated that explaining what a moratorium is would be beneficial. This would be a pause issuing permits for up to 182 days so that updates and corrections could be discussed and adopted. McMurray stated that there will be a public hearing prior to any adoption at which the public will have the opportunity to give input. Parish was concerned that no one from the City would then have any input. Winder stated that, as a Council member, they are always open input on anything. Wylee Douglas then asked why we would need to even have a moratorium and asked if we were expecting some explosive growth. He answered that this is being considered as a wise option to protect the City and Citizens. Loveland stated that the proposal is just on the moratorium so that potential problematic loopholes can be closed. Lloyd stated that we have had problems in the past with ambiguous language on other things in the past and that he believes the moratorium is a good thing. The Mayor then asked if there were any other questions. Earl Warthen then came to the podium and talked about the sewer system of the city being overtaxed currently and there cannot be new growth due to this and along with an overtaxed water system. He stated that he is not a resident of the City but is in favor of the moratorium. Parish then stood and expressed the need to have someone from the community help. He was asked if the Council were part of the community. Parish then expressed his worries that this would grow and run citizens out. He then went on about things that need to be fixed, including his water, which he says is undrinkable due to being on a closed loop. Then he expressed the need to raise connection rates so that we were well above actual costs. He also expressed his disdain with lack of chipseal of the road by the church. We should take care of this rather than bring more people in. He also had concerns about surface water rights and the current ditch rider. He said that we should be using surface water in the park instead of a new sprinkler system. The Mayor told him that the law would not permit this, but Parish disagreed. Parish said that the City residents could be using the water should be piped to the homes. Loveland stated that the option had been explored and it is far too expensive. He also explained that due to inconvenience, people are not using the existing surface water. Rick Mahoney stated that as a former Council Member, he had tried to put in a low-pressure system, and people were unwilling to do it. Parish then returned to the subject of the road by the church and its repairs. The Mayor asked if Parish would help get someone to perform the project because it is very difficult to get anyone to do the job. Parish then returned to the subject of his water, saying that his hydrant is never flushed because he is on the end of the line, and he would like this fixed. The Mayor said that he is at the end of a dead end and does not have significant issues, but he would investigate the matter. Bob Johnson then came to the podium and discussed problems with surface water drainage due to new subdivisions. He is concerned that the new subdivision(s) going in, surface water must be considered. He advised that this City think hard before committing to new growth. Douglas then asked if we were still on the issue of the moratorium and then spoke in favor of it. He stated that City Council members were voted in as representatives, so they should handle it. Douglas also stated that the ordinance should be rewritten in the Council's own words, excluding McMurray and on use him to review at the end. The Mayor reminded people that people can see the ordinance online or can get a copy and then talk to their representatives to address concerns. The Mayor also stated that there have been concerns that water and sewer are at the max. He stated that we are not quite at the max. He also gave some history of how the City has tried to responsibly manage itself so that improvements can be made. Rick Mahoney then came to the podium and spoke in favor of the moratorium. He stated that as a former Council member, he understands the things that are happening. He said that the Council should keep working on improvements and be wise in growth. The Mayor reminded people that the City is not responsible for any costs associated with new development. The developer would pay to install and/or increase resources like water and sewer. This does not fall to the citizens to pay for. For example, current new hookups citizens do not cover the costs of any installation. Parish then spoke up that because of past problems, we need to significantly raise connection rates to cover installation errors. Linda Prefontaine asked if it was possible to drill your own well and do your own sewer system in the City limits. The Mayor stated that we are in a well-head protection district. There are a few sites in the City where sewer services cannot be made available, and those residents must obtain a waiver from DEQ. Concerns were brought up that we do not have enough water. The Mayor explained that we are ok with water, we are just making the upgrades to bring us up to code with areas such as fires. He noted that the new water project is not to increase capacity for new growth. Johnson spoke up and said that City residents are safer on growth than in the County. The Mayor then stated that gradual growth is inevitable, but things like addressing the subdivision ordinance help protect us. There was then discussion of current grant projects. Parish then stood and said that he believes that we are working to communicate better and that he is for the moratorium.

Denise Clark spoke up about subdivisions outside of the City is a growing concern. She said that if you are really concerned about subdivision growth, you should be active in Cassia County planning and zoning. There are a lot of concerns going on outside of the City limits. Warthen then asked if the sewer ponds were back into compliance. The Mayor said that we are not, but things are in process. Myron Wilson stated that current tax assessments are currently going up a lot. There are concerns about people coming in and paying high real estate prices and people on a fixed income will be adversely affected. There was discussion on tax collection, and it was noted that the City revenue from taxes is approx. \$34,000. He said consideration should be made to keep these prices low. The Mayor then asked for any more questions or concerns. A question was asked about impact fees and the Mayor said this would be a good community discussion.

The public hearing portion of the meeting closed at 8:18 PM.

#### ADOPTION OF PROPOSED RESOLUTION 2023-06 FOR ISSUANCE OF MORATORIUM ON ISSUING SUBDIVISION PERMITS AND APPROVALS WITHIN THE CITY OF ALBION, IDAHO

Upon the conclusion of the public hearing, the Mayor asked for other questions or discussion. Being none, Lloyd proposed that "Resolution 2023-06, Issuance of Moratorium on Issuing Subdivision Permits and Approvals Within the City of Albion, Idaho" be adopted. With a second from Tolman, and the vote of: Lloyd-aye, Carlson-aye, Winder-aye and Tolman-aye, the resolution was adopted.

#### PROPOSED ALLOWANCE OF CITY WATER SYSTEM CONNECTION AND DEVELOPER INSTALLATION OF SEWER

No one was present upon request to discuss this item.

#### EVALUATION AND OR INSTANTMENT OF FEES ON ITEMS LIKE – SUBDIVISION, CONDITIONAL USE PERMITS, IMPACT FEES AND OTHER PERTINENT CITY FEES

Attorney McMurray explained that in his research on items like subdivisions, and communication with the City Office, there is language for fees to be collected. However, there is not a set fee structure that has actually been set in place. He stated that there was not any action needed on this item tonight, but that it needs to be on the Council's minds. Fees should be a reasonable amount and implementation of these fees will require a public hearing in the future. He requested that this item, as well as subdivision items, be a recurring agenda item for the next few months.

#### 2023-2024 BUDGET WORKSHOP AND EVALUATION OF NEED FOR ADDITIONAL MEETING TO FULFILL TIMEFRAME REQUIREMENTS

The Mayor, Council and Attorney were provided with a copy of current "Budget vs Actuals" for the FY 2022-2023 and a copy of the 2023-2024 Proposed Budget. The body took a little time to further review the details provided. Deputy Clerk Bell asked the Mayor for a few minutes to explain the calculations that were used to develop the budget including increases in items like engineering and legal costs and that due to the coming water project, there will be an increase of spending in these categories. Also due to the costs associated with water project, it was budget for the implantation of revenue increases in water revenue that would be passed along to residents. Attorney McMurray was asked for his opinion and advice on a couple of items. The question of the restroom/kitchenette project was brought up. It was asked if this was included in the proposed budget. Bell responded that it was not, but it could be added, and the budget be adjusted for this. There was some discussion between the Residents present and the Mayor and Council. This included building types, builder possibilities and legal requirements. After the discussion concluded, the Council made the decision to add a \$50,000 expenditure for the Park Restroom Project. Bell stated that he would add this to the budget and adjust the budget, so it balances. With this addition, the Proposed 2023-2024 Budget to approx. \$1,018,540. This figure is before grant/loan proceeds. The total including these categories is \$4,018,540. The Council was advised that a hearing for the August 1<sup>st</sup> 2023 Council Meeting is already scheduled and that the budget must have been reviewed and accepted. The Council said that they approved of the budget, with the addition of \$50,000 for the Park Restroom Project. Bell said that he would adjust the budget to stay within the adjusted proposal of \$1.018 Million/\$4.018 Million (w/ Capital Spending adjustments). The Mayor also advised the Council that it needed to earmark some water funds for a project and report this proposed project in order to qualify for USDA funding. After discussion of projects that would qualify, it was proposed that there be an allocation

of between \$130,000 and \$183,000. The Mayor stated that he would report the project allocation through the proper channels.

**INFORMATION FROM CITY OFFICIALS, STANDING SUBJECTS, GENERAL QUESTIONS AND AD HOC COMMITTEES**

Deputy Clerk Bell told the Council that there has been a decent response for the new text message notification system and eStatement enrollment. There will be continued advertisement and enrollment campaigns for both programs. He also reported that he had received a quote from our billing software provider to add the ability to process auto-payments. The cost for the service would be \$250 annually. While the program has no direct earning potential to recoup the cost, the added convenience to both the residents and Office staff could very well justify it costs.

Mayor Loveland gave his thanks to all those involved with putting together the community 4<sup>th</sup> of July celebration, noting that it takes a lot of time and effort to have a successful event. He felt the park looked great thanks to the efforts of so many. He said he was grateful to Myron Wilson for organizing the Military flyover and hopes it will be something we can continue to have in the future. Linda Prefontaine stated that they would work to provide an itemization of the 4<sup>th</sup>'s costs, but it was noted that Jeralee Jones has submitted already submitted some costs. Virginia Hall stated that they had a good response from the community members for private fireworks donations and thanked all who contributed. The Mayor asked about the status of fireworks done through the 4<sup>th</sup> of July Committee. It was reported that there is interest in doing them, but the current head is already loaded down with other responsibilities. They are currently working to see who might take on the project. Loveland noted that the last show, he believed, was in 2021 and had a cost of around \$5,000. He also stated that he had a potential donor willing to match close to that and that with additional fundraising, a nice show could be organized. The Mayor agreed to work with Linda Prefontaine to coordinate information. The Mayor reported that there is now \$50 Million available through ITD and he will be working to submit applications for the City.

Maintenance Director Woodrow reported that he had communicated with Cody Adams from the Albion Highway District about road projects. Albion Highway has a chipseal type project coming up in August using Emery Brothers out of Filer or Kimberly. He is looking into the possibility of having Emery Bros do some chip sealing for the City while they are in the area. Their costs are believed to be similar to Kloefer's.

**PRESENTATION OF BILLS**

Mayor and Council Salaries*	1,700.00
Brad Woodrow - Maintenance Director*	3,971.86
Linda Hutchison - City Clerk/Treasurer *	2,265.04
Deric Bell – Deputy Clerk*	1,216.72
PERSI – Employer Remittance- 7/1/23 –7/30/2023*	1,980.42
Kerry McMurray – Legal Services July 2023*	1,249.50
DL Evans Bank–EFTPS 941 Tax July,2023*	2,389.47
Select Health – Insurance*	2,117.00
Ace Hardware – Mani. Supplies	185.81
ATC Communications – June 2023	852.64
Association of Idaho Cities- Member dues	90.00
Beam Insurance – Dental/Vision Policy *	332.84
Bonneville Power Administration	6,996.00
C-A-L Ranch Store- Measuring wheel, shop supplies	145.95
Cassia County Sheriff- Law Enforcement	2,500.00
Creekside Store – Maintenance Fuel	275.00
ETS- Email License	58.00
Keller Associates – Monthly Fee & Engineering & Survey Service	1,505.00
Lamont Young – Back-Up Operator Fee	300.00
Magic Valley Labs	103.00
Norco Inc.	24.00

Ooma Office – phone service *	89.32
Raft River Electric* System Maintenance & Service work	.00
Tru Green- Lawn service	239.62
TNT Electric – Electrical Repairs	271.00
The Times News – 2 week posts- Budget Hearing	970.84
UAMPS – General A&G Expenses	50.90
Visa – #2580 L. Hutchison- Quick Books online payment	126.19
Visa - #3554 B. Woodrow –	.00
Western Waste Services – City Dumpster	85.00
K D Company – Lawn Mowing Service	700.00
US Postal Service – 600 Stamps	396.00
Young Automotive – 2022, RAM 2500 Truck	53,464.72

Total 96,651.84

**COUNCIL ENTERS INTO AN EXECUTIVE SESSION**

A motion was made at 9:02 pm to enter Executive Session pursuant to Idaho Code 74-206 (1)(f) to communicate with legal counsel. The motion was made by Winder, seconded by Carlson and the session was entered with the following roll call vote: Lloyd-aye, Carlson-aye, Winder-aye and Tolman-aye.

**COUNCIL LEAVES EXECUTIVE SESSION**

The Council returned from Executive Session at 9:26 pm and a motion to leave the session was made by Winder, seconded by Tolman, and approved with a vote of: Carlson-aye, Winder-aye and Tolman-aye (Lloyd had ended the phone call prior to the vote, but as a quorum was still present, the vote was valid).

The Council will take the matter under advisement and will consider further action at another time.

**COUNCIL ADJOURNS**

There being no further business brought before the Council, a motion to adjourn was made by Carlson, seconded by Tolman, and carried with a vote of: Carlson-aye, Winder-aye and Tolman-aye. Adjournment was at 9:28 pm.

  
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 Isaac Loveland/ Mayor

  
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 Deric Bell / Deputy Clerk