

**ALBION CITY COUNCIL MEETING
MINUTES AUGUST 4, 2020.**

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 – Pledge of Allegiance led by Councilperson Brad Woodrow.

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

OTHERS IN ATTENDANCE – Tony Ballestero, USDA, Lana Duke, USDA, Robert Murphy, Deputy Clerk Deric Bell, Resident Deputy Jason Lynch, Jason Phillips, Nathan Davis, Paul Baumgartner, Nate Warren, Lance Holman, Kathy Endres, Troy Mortensen, Carma Cagle, Michelle Beck, and two (2) other people, I did not get their names.

APPROVAL OF MINUTES – Upon motion made by Alexander, seconded by Lloyd, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye the Council moved to approve the Minutes of the July 7, 2020 Council Meeting, and the July 27, 2020 Special Council Meeting Minutes as presented.

APPROVAL OF BILLS – Upon motion made by Alexander, seconded by Carlson, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to approve payment of the Bills as presented, with the exception of the TNT Electric Invoice # 763 in the amount of three hundred nineteen dollars and sixty-nine cents (\$319.69), as this work has not been done.

LAW ENFORCEMENT REPORT – Resident Deputy Jason Lynch reported for the month of June there were seven (7) Traffic Stops which resulted in six (6) Citations, and one (1) Verbal Warning, one (1) Sick Person (Specific Diagnosis), one (1) Domestic, one (1) Damage Property Under \$1000, one (1) 911 Hang Up/Open Line /Prank Call, one (1) Dog Complaint, and one (1) Civil Paper Service. Deputy Lynch also reported for the month of July there were ten (10) Traffic Stops, which resulted in five (5) Citations, and five (5) Verbal Warnings, one (1) Breathing Problems, one (1) Damage Property Under \$1000, two (2) Information, two (2) Alarms (All), one (1) Animal Complaint, three (3) 911 Hang Up/Open Line/Prank Calls, one (1) Welfare Check, one (1) Burn-Controlled, one (1) Civil Paper Service, and one (1) VIN Inspection. Resident Deputy Lynch asked the Council if they had any questions, to which Councilperson Kevin Lloyd asked if something can be done about those riding dirt bikes and Quads on the gravel road by Barkers house on Mountain View Dr. Deputy Lynch reported he will increase patrol in the area, to slow the riders down. Deputy Lynch reported he has had some complaints about the speed limit in some areas of town, he reported coming into town by the Campus the speed limit is thirty five (35mph), but at the corner it changes to twenty five (25mph), and the same issue has been raised about the road going south to

the Church. Lynch suggested posting speed limit signs on both sides of the roads, that are the same, as this would help make the speed limit clear to motorists.

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

CITIZEN'S ISSUES

Jason Phillips reported to the Council he has been checking with other Cities on water and sewer connections, and who owns what. Phillips reported he was told the property owner owns from the meter to the house. Phillips asked what the City's Hook-Up Fees are now, to which Mayor Isaac Loveland reported Water is one thousand five hundred dollars (\$1,500), Sewer is two hundred dollars (\$200), and Electric is two thousand five hundred dollars (\$2,500) for a basic 200 amp service, plus any additional expenses to install the service.

Jason Phillips reported to the Council he owns the corner lot by the Grange, and the Historical Society is looking to purchase the property to build a building on. They would like one (1) account set up, but with two (2) owners. Phillips reported Mike and Tressa Toner are planning on paying the water and sewer charges for the Historical Society building, but want a separate RV Hook-Up on the back of the property for them.

Mayor Isaac Loveland reported the Council cannot make a decision on this tonight, as it is not on the Agenda as a Business Item, and asked the Clerk to include this item on the September Agenda.

BUSINESS ITEMS

PUBLIC HEARING – 2020-2021 PROPOSED BUDGET

Mayor Isaac Loveland opened the Public Hearing for the 2020-2021 Proposed Budget, in the amount of eight hundred eighteen thousand, seven hundred fifty dollars (\$818,750). Mayor Loveland reported this Budget is down from last years Budget, which was nine hundred ninety-two thousand, eight hundred seventy-eight dollars, for a difference of one hundred seventy-four thousand, one hundred twenty-eight dollars (\$174,128). Mayor Loveland reported the Public Hearing is open for comments on the 2020-2021 Proposed Budget if anyone has comments to make. No comments were made. The Mayor asked the Council if they have any further comments on the 2020-2021 Proposed Budget, no comments from the Council were made. Mayor Loveland asked for a motion to approve the 2020-2021 Proposed Budget as presented.

Upon motion made by Carlson, seconded by Woodrow, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to approve and adopt the 2020-2021 Budget as presented.

ANNUAL APPROPRIATION ORDINANCE NO. 2020-08-01

City Attorney Kerry McMurray presented the Annual Appropriation Ordinance No. 2020-08-01 AN ORDINANCE TERMED THE ANNUAL APPROPRIATION ORDINANCE FOR

THE FISCAL YEAR COMMENCING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; MAKING APPROPRIATION OF CERTAIN SUMS OF MONEY TO DERAY THE NECESSARY GENERAL EXPENSES OF CONDUCTING THE BUSINESS OF THE CITY OF ALBION; LEVYING A DIRECT TAX UPON ALL THE TAXABLE PROPERTY WITHIN THE LIMITS OF THE CITY OF ALBION FOR THE PURPOSE OF PROVIDING THE NECESSARY MONEY FOR THE GENERAL FUND; PROVIDING FOR THE DELIVERY OF A TRUE AND CORRECT COPY OF THE ORDINANCE TO THE SECRETARY OF STATE FOR FILING; PROVIDING FOR THE APPROPRIATION OF ALL MONEY COMING INTO THE CITY TREASURY; PROVIDING FOR PAYMENT OF TAXES SO COLLECTED UP TO \$30,075.00 IN THE GENERAL FUND; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE to the Council for approval.

Upon motion made by Alexander, seconded by Lloyd, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to waive the three (3) Readings of Ordinance No 2020-08-01.

Upon motion made by Lloyd, seconded by Alexander, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to approve and adopt Ordinance No. 2020-08-01 AN ORDINANCE TERMED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2020, AND ENDING SEPTEMBER 30, 2021; MAKING APPROPRIATION OF CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY GENERAL EXPENSES OF CONDUCTING THE BUSINESS OF THE CITY OF ALBION; LEVYING A DIRECT TAX UPON ALL TAXABLE PROPERTY WITHIN THE LIMITS OF THE CITY OF ALBION FOR THE PURPOSE OF PROVIDING THE NECESSARY MONEY FOR THE GENERAL FUND; PROVIDING FOR THE DELIVERY OF A TRUE AND CORRECT COPY OF THIS ORDINANCE TO THE SECRETARY OF STATE FOR FILING; PROVIDING FOR THE APPROPRIATION OF ALL MONEY COMING INTO THE CITY TREASURY; PROVIDING FOR PAYMENT OF TAXES SO COLLECTED UP TO \$30,075.00 IN THE GENERAL FUND; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE as presented.

RESOLUTION NO. 2020-03 CAUDILL VARIANCE

City Attorney Kerry McMurray presented Resolution No. 2020-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBION, IDAHO GRANTING A VARIANCE FROM THE SIDE SETBACK ON A CORNER LOT FOR A RESIDENCE TO BE LOCATED AT 197 MARKET STREET EAST, IN THE CITY OF ALBION, CASSIA COUNTY, IDAHO; AND PROVIDING AN EFFECTIVE DATE to the Council for approval.

Upon motion made by Woodrow, seconded by Carlson, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to approve and adopt Resolution No. 2020-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBION, IDAHO GRANTING A VARIANCE FROM THE SIDE SETBACK ON A CORNER LOT FOR A RESIDENCE TO BE LOCATED AT 197 MARKET STREET EAST, IN THE CITY OF ALBION, CASSIA COUNTY, IDAHO; AND PROVIDING AN EFFECTIVE DATE as presented.

USDA TONY BALLESTERO – CITY PORTION WATER SYSTEM STUDY GRANT

Tony Ballestero, from USDA Rural Development, reported to the Council he and Lana Duke, also from USDA Rural Development, decided to attend tonight's Council Meeting to answer any questions the Mayor and Council may have about the Search Grant process. Ballestero reported in speaking with Mary, she reported a contribution from the City was never mentioned. Ballestero reported a contribution from the applicant is part of the Search Grant Application, and regrets this was not mentioned at the beginning. Ballestero reported the City has applied for a Search Grant in the amount of forty thousand dollars (\$40,000), with a breakdown of funds being ten thousand dollars (\$10,000) City contribution, and thirty thousand dollars (\$30,000) Grant funds. Ballestero reported the City's Application has been submitted, but approval of the City's contribution is needed to move forward.

Mayor Isaac Loveland reported to the Council he and Bryan met with Matthew Hill, from Keller Associates, and discussed some extra items they would like to include with the Water Study, but does not recall a contribution from the City being discussed.

Lana Duke, from USDA Rural Development, reported to the Council most Water Studies cost seventy thousand dollars (\$70,000) to eighty thousand dollars (\$80,000), saying the City is getting a good deal. Duke reported it will be a year to a year and a half to receive the Water Study Report, that not only provides information on the City's current System, but projects out twenty (20) years for future growth. Duke told the Council she is not trying to be pushy, but the deadline for all the paperwork is Friday, August 7, 2020.

Tony Ballestero, from USDA Rural Development, reported to the Council if approval for the City's contribution, and having the Mayor sign the paperwork is given tonight, he will email Mary the Contact, and two (2) Documents: the Letter of Intent to Meet Conditions, and the Request for Obligation of Funds tomorrow.

Upon motion made by Carlson, seconded by Lloyd, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to approve the City's contribution of ten thousand dollars (\$10,000) towards the Water System Study Search Grant.

Upon motion made by Lloyd, seconded by Alexander, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to approve Mayor Isaac Loveland signing all required paperwork for the Water System Study Search Grant.

PAST DUE UTILITIES – CARMA CAGLE

Michelle Beck, a Real Estate Agent from Boise and granddaughter of Carma Cagle, reported to the Council she is working on selling the Cagle property, between the Bank and Rose Garden, and is looking to pay off all debt associated with the property, and hopefully still have some money left for Carma to live on. Beck reported she is aware there is a large amount of past due utilities with the City, which she hopes to resolve. Beck reported utilities were being charged, but no services were being used. Beck asked the Council if some of the past due utilities could be forgiven.

Council President Zack Alexander reported to the Council several years ago the Council was working on clearing up some delinquent accounts, and this account was part of that process. Alexander reported the Council, at that time, wrote off several accounts, and he is sure this account was included in that decision.

City Clerk Mary Yeaman reported because of the Water and Sewer Bonds, all accounts were charged the water and sewer base rates, even if no services were used. Yeaman reported this account has not had any further charges for about six (6) years.

Upon motion made by Carlson, seconded by Woodrow, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to waive any balance owing on the Cagle account.

Michelle Beck and Carma Cagle thanked the Council for their decision.

REVIEW AND DELIBERATE SCOPING AND VIDEOING SEWER LINES

Mayor Isaac Loveland reported to the Council the City has received three (3) Bids to Scope and Video the Sewer Lines. The Bids include jetting, and videoing the whole Sewer System, and this will help us locate the problem areas. The Mayor reported the Lift Station pumps at sixty percent (60%), certain times of the year, because of infiltration. The Mayor reported the three (3) Bids are comparable in price, and the City's Engineers, Keller Associates, told the Mayor they have worked with all three (3) Contractors in the past, without any problems. The Mayor reported there is money in the Sewer Maintenance Fund to cover the cost of the project.

Upon motion made by Woodrow, seconded by Lloyd, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye, the Council moved to approve the Bid from Val Kotter & Sons, and using the Sewer Maintenance Fund money for Scoping and Videoing the Sewer Lines.

RAFT RIVER ELECTRIC CONTRACT

Mayor Isaac Loveland reported to the Council he sent the draft Raft River Electric Contract to Raft River Electric in time for their Board Meeting. The Mayor reported the draft Contract looks good to Mike Christensen, from Raft River Electric, but they would like to include a clause in the Contract addressing disposing of used transformers, as storing them is a hazard. The Mayor reported he feels the best way to take care of this, is to have Raft River Electric dispose of the transformers, and either bill us or credit us, whichever the case may be.

Council President Zack Alexander reported to the Council, he agrees with the Mayor, that sounds like the best solution to disposing of the used transformers.

After a brief discussion by the Council, it was agreed to add disposing of used transformers to the Contract.

VAUGHN DITCH ISSUES

Mayor Isaac Loveland reported to the Council he is trying to get this issue straitened out. The Mayor reported anyone in town can call for the water, and he would like to see more properties in town using the water. The Mayor reported he has visited with Nick

Takas, from Skaggs, and Adam Ward and everyone agrees the water should be split on different diversions, that are adjusted together. One diversion will send water to the Campus and City, and the other diversion will send water to Skaggs and Adam Ward. The Mayor reported it is good to have all parties working together. Troy Mortensen reported he, Nate Warren, and Brent Wickel have worked out their own rotation, and we need to get more water to the Land App. Mortensen reported repairs on Vaughn Ditch need to be done, and suggested the City check into getting Funds, from the Department of Agriculture, to pipe the whole Vaughn Ditch.

SUBDIVISION/ROAD PROPOSAL – PAUL BAUMGARTNER

Paul Baumgartner showed the Council the same drawing of his planned Subdivision, and handed out copies of a survey describing boundary changes, and told the Council he has nothing new to report. Baumgartner reported he talked with Robert Murphy, who is planning to fence his property, and he wants to know which survey is the correct one to follow.

City Attorney Kerry McMurray reported to Baumgartner there are two (2) ways to resolve this issue: 1) work with Mr. Murphy to resolve the issue, and have a Binding Agreement between parties drawn up, and signed by both parties, or 2) have a Declaratory Judgement, or Court Order, signed by a Judge declaring which survey is the correct one to follow.

Councilperson Dallan Doc Carlson asked Baumgartner if he has an Engineered Drawing for building the Road into the Subdivision, to which Baumgartner said it is right here, this is an Engineered Drawing.

Councilperson Dallan Doc Carlson reported that is a Plat Map, not Engineered Drawings for building a Road.

City Attorney Kerry McMurray asked Baumgartner if he received copies of the City Code, and Highway Standards from the City, to which Baumgartner replied, Yes, he did. City Attorney McMurray reported those standards need to be followed to prepare Engineered Drawings for the Road development.

Paul Baumgartner told the Council it has been five (5) years, and I am no closer to getting this done than I was when I started. Every time I come here, something new is added. This is an Engineered Drawing, that shows what I am trying to do.

The Council told Baumgartner that is an Engineered Plot Plan Drawing, not an Engineered Drawing for building a Road, and that is what we are asking for. Until you provide us with an Engineered Drawing for building a Road, no decision can be made. The Council suggested Baumgartner have his Engineer contact City Attorney Kerry McMurray to discuss this issue.

Paul Baumgartner went out to his car, and brought in some other drawings, and told the Council he had these at the last meeting, but no one wanted to look at them.

The Council reviewed the drawings, saying they did show developing a Road, but they do not know if they follow the City Code and Highway Standards.

City Attorney Kerry McMurray reviewed the drawings, and suggested the City submit the paperwork to the City's Engineers, Keller Associates for review. The Engineers Fee to review the paperwork will be paid by Mr. Baumgartner.

Mayor Isaac Loveland reported it will be nice to get this issue resolved, and reported the City's main concern is the access, not the Subdivision.

INFORMATION FROM CITY OFFICIALS

Council President Zack Alexander reported seeing the Maintenance Department taking care of the weeds and thistle in the Mountain Meadow Subdivision. Alexander asked about spraying the weeds, to which Mayor Isaac Loveland reported he is not sure the City can spray the weeds.

City Attorney Kerry McMurray reported to the Council Title 9, Chapter 8, Section 2 allows the City's duly authorized personnel to cut, spray, and mow injurious and noxious weeds, grasses, and growths.

Bryan Day, from the Maintenance Department, was asked to spray the weeds in the Subdivision, just be careful doing so.

PRESENTATION OF BILLS

Mayor and Council Salaries *	1700.00
Salaries – Clerk *	2880.00
Deric Bell – Deputy Clerk *	808.50
Bryan Day – Maintenance Department *	3874.50
Ravyn Buck – Maintenance Department *	2229.50
PERSI _ Employer Remittance (07/16-07/31/20) *	1297.46
DL Evans Bank – EFTPS 941 Employer Remittance (July 20) *	2652.88
PERSI – Employer Remittance (08/01-08/15/20) *	940.91
Raft River Electric – Water Tank-45.13 *	45.13
SelectHealth – Insurance (Sept. 20) *	954.00
DL Evans Bank – Cash for Change Bag *	60.00
Personnel Plus – Maintenance Help *	394.56
Personnel Plus – Maintenance Help *	502.45
Southern Idaho Solid Waste – Garbage Fee. (July 20) *	12.00
AA Trash Removal – Aug. 2020 Fee	60.00
Ace Hardware – Maintenance Supplies	155.95
ATC Communications – Phone, Internet, Lift Station, & Wells	494.06
Bonneville Power Administration – Transmission/Power (July 20)	10636.00
Creekside Store – Maintenance Fuel (Aug. 20)	478.61
Ferguson Waterworks – Maintenance Supplies	1345.88
Franklin Building Supply – Maintenance Supplies	254.98
Gem State Dairy Supply – Chlorine	431.32
Greenlon, Inc. – Lawn, Trees, & Bugs	815.00
Haun's Hardware – Maintenance Supplies	14.99
Helena Agri-Enterprises, LLC – Weed Control	1500.00
Higley;s Lumber – Tool Room	139.95
IRWA – B. Day Workshop (2019 Soda Springs)	120.00
Keller Associates – Monthly Fee	249.98
Kerry McMurray – Legal Services (Aug. 20)	1462.00

Lamont Young – Back-Up Operator Fee (Aug. 20)	300.00
Magic Valley Labs – Water Test	326.00
Personnel Plus – Maintenance Help	369.90
Raft River Electric – New Service/Transformer	2834.00
Road Work Ahead – Signs	438.32
Stukenholtz Laboratory, Inc. – Alfalfa 2 nd Cutting Sample	56.00
The Times News – Appropriation Ordinance Publication	276.14
UAMPS – General A&G Expenses	49.25
USABlueBook – Maintenance Supplies	105.34
VISA - #1475 M. Yeaman August 2020 Stmt.	51.40
VISA - #3522 B. Day August. 2020 Stmt.	<u>368.66</u>
TOTAL	\$41,685.62

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Lloyd, seconded by Alexander, and unanimously carried, with the following vote: Alexander-aye, Carlson-aye, Lloyd-aye, and Woodrow-aye. Adjournment was at 9:01 p.m.

Isaac Loveland, Mayor

Mary Yeaman, City Clerk-Treasurer