

**ALBION CITY COUNCIL MEETING  
MINUTES OCTOBER 3, 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 - Pledge of Allegiance 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, and City Attorney Kerry McMurray. Shawn Burton, from the Maintenance Department, was excused.

OTHERS IN ATTENDANCE – John Davis, Mary Lynne Bristol, Ivan McCracken, Art Thornton, Resident Deputy Jason Lynch, and Deputy Clerk Sharity Parish.

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 September 5, 2017 Council Meeting as presented.

APPROVAL OF BILLS – Upon motion made by Manderscheid, 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 reported to the Council for the Month of September he had nineteen (19) Traffic Stops, which resulted in thirteen (13) Verbal Warnings, and six (6) Citations, one (1) Alarm Call, one (1) Follow Up, one (1) Welfare Check, five (5) 911 Hang Up/Open Line/Prank Calls, and two (2) Controlled Burn checks. Lynch reported he has been busy trying to slow people down, and asked if the Council had any questions for him. Council President Chad Manderscheid asked about the merge lane on 500 South and Highway 77. Manderscheid asked if it is best to merge to the right or to the left. Manderscheid reported he is trying to teach his children to drive correctly. Resident Deputy Jason Lynch reported it is always best to merge to the right, and the posted sign says Keep Right.

ANIMAL CONTROL REPORT – Mayor Sharon Hardy-Mills reported to the Council she talked with Fish and Game about the Turkeys in town, and she was told they, the Fish and Game, do not want to get involved because the Turkeys are in their natural habitat. Resident Deputy Jason Lynch asked the Mayor what the problem is concerning the Turkeys, to which the Mayor reported the City has received several complaints about the Turkeys being in peoples yards making a mess, and destroying gardens. The Mayor also reported the Turkeys are a safety hazard to drivers when they are on the roads.

Resident Deputy Jason Lynch reported to the Council he will contact Fish and Game to check the issue out further.

## **AGENDA BUSINESS ITEMS**

### AMEND THE AGENDA

City Attorney Kerry McMurray reported to the Council tonight's Agenda needs to be amended as the City received a request, this afternoon, for an Account Dispute Waiver. Since the Agenda was already posted, it is required by the Open Meeting Law, to amend the Agenda in order to add items to the Agenda.

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 amend the Agenda to include the Account Dispute Waiver Request.

### 3<sup>RD</sup> READING OF ORDINANCE NO. 2017-10-01 COMPRESSION BRAKES SIGNAGE

Mayor Sharon Hardy-Mills read Ordinance No 2017-10-01 AN ORDINANCE OF THE CITY OF ALBION, IDAHO PROHIBITING THE USE OF COMPRESSION BRAKING SYSTEM ON MOTOR VEHICLES WITHIN THE CITY LIMITS OF THE CITY OF ALBION; PROVIDING DEFINITIONS FOR THIS SECTION FOR MOTOR VEHICLES, COMPRESSION BRAKES OR COMPRESSION BRAKING SYSTEMS AND EMERGENCY SITUATIONS; PROVIDING FOR BRAKING SYSTEM REGULATIONS FOR BRAKE NOISE, AND PROVIDING FOR EXCLUSIONS FOR EMERGENCY VEHICLES; PROVIDING THAT VIOLATIONS OF THIS SECTION SHALL BE AN INFRACTION; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE for the third and final reading.

Upon motion made by Manderscheid, seconded by Gailey, and carried with the following roll call vote: Alexander-nay, Gailey-aye, Loveland-nay, and Manderscheid-aye, with the Mayor-aye, breaking the tie vote, the Council moved to approve and accept Ordinance No. 2017-10-01 as presented.

### ACCOUNT DISPUTE WAIVER REQUEST

Mayor Sharon Hardy-Mills read a Letter the City received this afternoon, regarding an Account Dispute Waiver Request. The Letter reported the property owners renters have not moved in yet, but put cows in the pasture. A hose was connected to a faucet on the west side of the house, so they could water the cows. The faucet leaks and was left on for a couple of days. The water leaked down the side of the house and into the downstairs bedroom, flooding the bedroom, store room, bathroom, and family room. I am writing to ask if I could get a waiver or partial waiver for the water usage during the flood. Thanks so much for the consideration.

Mayor Sharon Hardy-Mills asked the Council for a decision on the Waiver Request. After a brief discussion by the Council, they agreed they are sorry for the flooding in the home, but do not feel they can waive any of the water usage. The Council suggested

the property owner have the renters pay the water usage charge, as they are the ones who left the water on.

#### WEST STREET CULVERT UPDATE

Mayor Sharon Hardy-Mills reported to the Council the West Street concrete Culvert is done and is ready for asphalt, which should be done soon.

Council President Chad Manderscheid asked how large of a culvert was put in, to which Ivan McCracken responded the Culvert is a three sided Culvert that allows for a natural stream bed in the center.

Mayor Sharon Hardy-Mills reported to the Council she is concerned about the rip-rap not staying in place, once water is allowed back in the creek.

#### MAINTENANCE SHOP UPDATE

Mayor Sharon Hardy-Mills reported to the Council there are problems with the shop, and the Project is on hold for now.

Art Thornton, from Thornton Construction, reported to the Council the Concrete Contractor measured wrong, and the bolts were in the wrong place. Thornton reported the re-drilled the holes and epoxied the new bolts in place. Thornton reported he should have waited for the Engineer to tell them how to fix the problem with the bolts. Thornton told the Council they will finish the siding and the roof. Thornton reported to the Council he has been talking with Rob, from R&M Steel, about how best to fix the issues with the building. Rob, from R&M Steel told Thornton they (R&M Steel) should have an answer for him in a few days. Thornton reported four (4) out of the six (6) items on the punch list have been completed. Thornton reported the overhead doors will fit on the east and west ends. Thornton reported to the Council he may need an extension to complete the Building.

Mayor Sharon Hardy-Mills reported the next Council Meeting is scheduled for Tuesday, November 14<sup>th</sup> at 8:00 p.m.

#### REPAIRS FOR OLD SHOP UPDATE/PROPOSAL

Mayor Sharon Hardy-Mills reported to the Council no new Bids have been received on the Repairs for the Old Shop. Council President Chad Manderscheid reported to the Council he will contact a couple of people to see if they will turn in a Bid for the Repairs.

#### QRU BUILDING UPDATE

Mayor Sharon Hardy-Mills reported to the Council no further information has been received from the QRU concerning a Building.

#### QUALITY ASSURANCE PLAN/ O&M MANUAL UPDATE

Ivan McCracken, from J-U-B Engineers, reported to the Council two thousand eight hundred dollars (\$2,800) has been taken off of the original proposal, from J-U-B, for the

Quality Assurance Plan/O&M Manual. The new cost of the proposal is eleven thousand five hundred dollars (\$11,500), which includes a two thousand dollar (\$2,000) miscellaneous line item, that can only be accessed by authorization from Shawn Burton, from the Maintenance Department.

Mayor Sharon Hardy-Mills reported to the Council the Quality Assurance Plan/O&M Manual needs to be completed as soon as possible, as DEQ has been very patient with the City so far. The Mayor asked McCracken how long it will take to complete the Quality Assurance Plan/O&M Manual, once the proposal is accepted, to which McCracken replied about five (5) weeks from the time the Notice to Proceed is signed. McCracken reported to the Council DEQ has an outline of items to follow. McCracken reported to the Council the Contract is set up to include the discretionary amount of two thousand dollars (\$2,000), but the city may end up paying nine thousand five hundred dollars (\$9,500) for the Quality Assurance Plan/O&M Manual.

Upon motion made by Manderscheid, 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 accept the J-U-B Engineers Contract.

Upon motion made by Loveland, 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 add to the Contract, as an added internal check, any spending of the discretionary money must be approved by two (2) Council members..

Councilperson Mike Gailey reported to the Council we need to use J-U-B Engineers as a resource. Gailey reported in talking with McCracken at their previous meeting, he found out J-U-B is a great source for Funding Avenues for Cities. Gailey suggested setting up a Workshop for the Council, to help educate us on how to better understand what is required. Gailey reported we need to be more educated on issues we deal with.

#### CITY CODE TITLE 9 CHAPTER 7 NUISANCE

Mayor Sharon Hardy-Mills reported to the Council she has received several complaints about the long term presence of multiple vehicles on property within the City Limits. The Mayor reported she asked City Attorney McMurray to check into the City Code addressing Nuisances..

City Attorney Kerry McMurray reported to the Council the City Code addressing Nuisances is found in Title 9 Chapter 7, specifically 9-7-2-4. 9-7-2-4: USE OF PRIVATE PROPERTY FOR STORAGE OF UNREGISTERED OR INOPERATIVE VEHICLES OR VEHICLE PARTS PROHIBITED AND DECLARED A PUBLIC NUISANCE. The long term presence on private property outside the confines of enclosed buildings, of inoperative, wrecked, discarded, partially dismantled, junked, unused, or unregistered vehicles or vehicle parts contributes to blight and deterioration of neighborhoods and is detrimental to public health, safety, and welfare due to factors such as broken glass, standing water, accumulation of rusted parts, potential environmental damage, and the potential for breeding vermin, and is hereby deemed a public nuisance.

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any such vehicle to remain in the open on such property longer than thirty (30) days. Persons violating this prohibition may be

issued a misdemeanor citation and the city may pursue other legal remedies for removal of the vehicles. This prohibition shall not apply to a vehicle on the premises of a lawfully operated auto salvage business, towing and storage business, auto sales business, or governmentally operated auto storage area, when necessary to the operation of such business enterprise, nor to vehicles for which a Collector's permit has been issued as provided hereinafter.

City Attorney Kerry McMurray reported to the Council the City can issue an Abatement Notice to the Property Owner, who can request a Hearing in front of the Council.

City Attorney Kerry McMurray reported the City cannot disturb the peace or trespass on private property. McMurray suggested sending pictures with the Abatement Notice.

The Council asked the Clerk to include a Letter in the next Billing Statements asking for help, from the residents, to abate Nuisance issues within the City Limits, including the City Code 9-7-2-4 in the Letter.

#### 2018 4<sup>TH</sup> OF JULY CELEBRATION

Mayor Sharon Hardy-Mills and the Council read through the List of 4<sup>th</sup> of July suggested activities. The Mayor reported since it is the City's one hundred fifty (150) year Celebration, it needs to be a big event. The Mayor reported she will check on having the Flag Float in our Parade. The Mayor reported we need to select Committee Members to help put the Celebration together.

#### COUNCIL GOALS REVIEW

Mayor Sharon Hardy-Mills reviewed the List of Goals with the Council. The West St. Culvert is almost done, Promote Growth and Business is being worked on, Flood/Emergency Preparedness Plan need to meet with Undersheriff George Warrell about this, Resurface Roads this is an ongoing project, Build Walking Path, Re-Do Sidewalks, Include Lighting is still being looked into, Build New Maintenance Shop is in progress, Review Ordinances – One Each Month it was suggested to look at Title 1 Chapter 12 Misc. City Policy, Non-Potable Water is first priority of the Council, City Wide Clean-Up – Weeds, Trees/Debris in Creek, and Run-Down (Rustic) Buildings (Annually) the house and old trailer should be gone within the month, City Office Repairs – Maybe Move Office to Civic Center the Mayor will contact the Contractor again to see if he has a Bid ready, Civic Center Sign the Mayor reported Layne Anderson talked to her about this being his Eagle Scout Project.

#### DELINQUENT ACCOUNTS REVIEW

Mayor Sharon Hardy-Mills reviewed the Delinquent Accounts with the Council. The Council agreed they like seeing the List getting smaller each month. The Council asked that a Letter be sent to the Property Owner at the top off the Delinquent Account List.

#### CITY CHRISTMAS PARTY

City Clerk Mary Yeaman reported to the Council the City Christmas Party this year is for the City Staff and spouses, which includes the Mayor, the Council, the City Attorney, the Office Employees, and the Maintenance Employees. The Clerk reported she has checked with Morey's, the Drift Inn, and the Dry Dock, and read the menu selections. The Clerk reported the date chosen for the Christmas Party is Thursday, December 7<sup>th</sup>. The Clerk asked the Council to choose a location and time for the Party. After a brief discussion by the Council, the Dry Dock was selected, and 6:00 p.m. was the time chosen for December 7<sup>th</sup>. Clerk Yeaman reported she will contact the Dry Dock and make the Christmas Party Reservation.

**CHRISTMAS LIGHTING FOR MAIN ST**

Mayor Sharon Hardy-Mills reported to the Council the City spends about three hundred (\$300) to four hundred (\$400) dollars each year for Christmas Lights to put up across the Highway. The Mayor reported she has been looking into Christmas Decorations to attach to the power poles along Main St., instead of putting the Christmas Lights across the Highway. The Mayor reported the City has five (5) poles with plugins on them, and if the Council would approve spending two thousand (\$2,000) dollars, the City could purchase five (5) Pole Decorations for this year. Councilperson Isaac Loveland reported to the Council the City of Burley may have extra Pole Decorations they would be willing to let the City borrow or purchase. Loveland told the Mayor to check with Brent Wallin, with the City of Burley, to see what might be available for the City to borrow or purchase.

**INFORMATION FROM CITY OFFICIALS**

Council President Chad Manderscheid asked about the status of the old Blue Trailer, to which it was reported, it should be torn down sometime later this month.

Mayor Sharon Hardy-Mills reported she sent a Letter to the City of Oakley, asking them to return the Jail Cell they borrowed numerous years ago. The Mayor mentioned in the Letter, the City would like the Jail Cell back so it can be placed in the City Park for the one hundred fifty (150) year 4<sup>th</sup> of July Celebration in 2018. The Mayor reported she plans to attend the next Oakley Council Meeting, and suggested the Council attend also to see if her Letter is read and the issue discussed.

**PRESENTATION OF BILLS**

Mayor and Council Salaries *	190.00
Salaries – Maintenance-3611.97/Clerk-2748.66 *	6360.63
Sharity Parish – Deputy Clerk *	1252.46
Jeremiah Wood – Maintenance Helper *	828.00
PERSI – Employer Remittance (09/16-09/30-17) *	756.81
DL Evans Bank – EFTPS 941 Employer Remittance (Sep. 17) *	1744.22
PERSI – Employer Remittance (10/01-10/15/17) *	728.12

Raft River Electric – Water Tank *	127.08
SelectHealth – Insurance (November 2017) *	1405.00
ID State Tax Commission – W/H Tax 3 <sup>rd</sup> Qtr. 2017 *	674.00
Christiansen Construction Co., Inc. – West St. Culvert Pymt. *	69,550.00
Ace Hardware – Maintenance Supplies	227.80
ATC Communications – Phone, Fax, Internet, & Lift Station	424.09
Bonneville Power Administration – Transmission/Power (Set.17)	11139.00
Creekside Store – Oct. 2017 Maintenance Fuel	199.90
Don’s Repair – 2003 Dodge Pickup Repair	1816.54
Ferguson Waterworks – Shop Septic System Supplies	43.44
ITD-Special Plates – 1997 Dodge Plate Renewal	23.00
Kerry McMurray – Legal Services (Oct. 2017)	969.00
Magic Valley Labs – Water Test	16.00
Mini-Cassia Transportation Committee – 2018 Annual Dues	50.00
Raft River Electric – Water Tank-40.13/Service Work-5115.02	5155.15
Ralph Thornton Construction, Inc. – Erect Shop & Windows	42,660.40
Road Work Ahead Const. Supply – Signs for West St. Culvert	173.00
Sharity Parish – October 2017 Travel Claim	18.00
Shawn Burton – October 2017 Travel Claim	20.00
Sweet’s Portable Waste Service – Porta Potty	129.48
The Times News – Summary of Ordinance No 2010-10-01	88.15
Triple C Concrete – Shop Septic Tank & Delivery Charge	1476.00
UAMPS – General A&G Expenses	50.60
VISA - #7977 S. Burton Oct. 2017 Stmt. (Truck Chains)	<u>342.98</u>
TOTAL	\$148,638.85

**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 10:10 p.m.

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Sharon Hardy-Mills, Mayor

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Mary Yeaman, City Clerk-Treasurer