

**ALBION CITY COUNCIL MEETING
MINUTES DECEMBER 1, 2020.**

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 Wayne Winder.

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

OTHERS IN ATTENDANCE – Kurt Catmull, Resident Deputy Jason Lynch, Jeff Poulsen, Deputy Levi Smith, James and Kathy Endres, David and Rhonda Chatterly, Robert Murphy, John Davis, and Tony and Giselle Prescott.

APPROVAL OF MINUTES – Upon motion made by Lloyd, seconded by Carlson, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to approve the Minutes of the November 10, 2020 Council Meeting as presented.

APPROVAL OF BILLS – Upon motion made by Carlson, seconded by Woodrow, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-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 November 2020 there were two (2) Traffic Stops, which resulted in two (2) Citations, one (1) Extra Patrol, one (1) Animal Complaint, two (2) 911 Hang Up/Open Line/Prank Calls, one (1) Business Check, one (1) Civil Paper Service, and one (1) VIN Inspection. Deputy Lynch also reported he is taking a new position in the Sheriff's Department, and introduced Levi Smith, who will serve as Albion's new Resident Deputy.

The Mayor and Council welcomed Deputy Smith to Albion, and thanked Deputy Lynch for his service to the City.

ANIMAL CONTROL REPORT – Bryan Day, from the Maintenance Department, was not in attendance, therefore no Report was given.

AGENDA BUSINESS ITEMS

2019-2020 ANNUAL AUDIT REPORT – JEFF POULSEN

Jeff Poulsen, from Poulsen VanLeuven & Catmull PA, reported to the Council the 2019-2020 Annual Audit is a clean Audit. Poulsen reported he will go through the Graphs at the back of the Audit Report, that will show how each Fund has done for the last Fiscal

Year. The General Fund was discussed first. The graph shows the Expenses were up, with the Revenue staying about the same, and the Cash Balance is down seventy-two thousand dollars (\$72,000). The Electric Fund graph shows both the Expenses and Revenues are up, Expenses more than Revenues, with the Cash Balance decreasing from one hundred fifty thousand dollars (\$150,000) to fifteen thousand dollars (\$15,000). This decrease is because the majority of Expenses are posted to the Electric Fund. Poulsen reported he has visited with Clerk Yeaman about reassigning the percentages of Expenses breakdown to solve this issue in the future. Poulsen reported the City has not implemented a rate increase for some time, and may want to consider this for future projects. The Water Fund Revenues and Expenses are both up, Expenses more than Revenues, with the Cash Balance down by about one hundred thousand dollars (\$100,000), but the City is debt free, as the Water Bond was paid off. The Sewer Fund Revenues and Expenses were both up, about the same, with the Cash Balance up by almost eighty thousand dollars (\$80,000). The Sewer Fund is in good shape. Poulsen reported the two (2) Pie Charts show the percentages of General Fund Revenues and General Fund Expenditures, the Revenues are up with the help of the State Investment Pool, and the Expenditures Capital Improvements was the Road Project. Poulsen thanked Clerk Yeaman for all her help in providing information for the Audit, and reported the City books are in good shape. Poulsen told the Council to feel free to call him with any questions.

Council President Kevin Lloyd asked Poulsen if he had any recommendations on changes to make, to which Poulsen reported the City may want to evaluate current rates, to help prepare for future projects.

Mayor Isaac Loveland reported Keller Associates can help the City with Rate studies for the Water and Sewer Systems, and BPA can help the City with a Rate Study on Electric Rates.

Mayor Isaac Loveland and the Council thanked Jeff Poulsen for preparing and presenting the 2019-2020 Annual Audit Report.

REQUEST TO ABANDON CITY EASEMENT TO ADJUST PROPERTY LINE – DAVID CHATTERLY

David Chatterly reported to the Council he is requesting the City abandon the City Easement behind his home. The Easement is three hundred feet (300') by fifty feet (50'), that he would like to add to his property, and is a section of platted Union St. Chatterly reported the City maintains this Easement which he feels is not right. Chatterly reported this section of the Easement previously had corrals for livestock, but they have been removed. Chatterly reported he has spoken with about a dozen of his neighbors, who all agree his request is a good idea. Chatterly reported his main concern is the development of Union St., which he feels would put his home in danger of being run into. Chatterly reported to the Council he is requesting a Public Hearing date be set, as soon as possible, regarding his request.

Councilperson Brad Woodrow asked if the Easement is adjacent to his property, to which Chatterly reported, Yes, it is right by my backyard with the corner of my house next to the Easement.

City Attorney Kerry McMurray reported a Public Hearing would require a Notice in the Newspaper, published two (2) times a week apart, with the last publication being one (1) week before the Hearing date. Notice to property owners within three hundred feet (300'), of the Easement, needs to be sent along with the COVID-19 State Regulations for Public Hearings. McMurray reported people can participate in the Public Hearing by several ways, in-person attendance, which will be limited to two (2) or three (3) people at a time, written testimony, provided until 5:00 p.m. the day of the Hearing, or by logging onto a ZOOM Meeting link, that is made available on the Meeting Agenda, and on the City's Website.

Upon motion made by Lloyd, seconded by Winder, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to approve January 5, 2021, the next Council Meeting, as the Public Hearing date on the Vacate City Easement Request from David Chatterly.

Mayor Isaac Loveland reported he will make sure a ZOOM Meeting link is available for the January 2021 Council Meeting.

KELLER ASSOCIATES CONTRACT REVIEW – TASK ORDER NO. 003

Mayor Isaac Loveland reported to the Council Task Order No. 003 is for General Engineering Services for year 2021 received from Keller Associates. Mayor Loveland reported compensation for services will be billed as follows: Task 1 – Lump sum amount of two hundred fifty dollars (\$250) billed monthly, and Task 2 – Billed on a Time and Material basis. The Mayor asked for Council approval to sign Task Order No. 003. Upon motion made by Woodrow, seconded by Carlson, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye, the Council moved to approve the Mayor signing Task Order No. 003 for General Engineering Services for year 2021.

WATER ORDINANCE STANDARD REVIEW

City Attorney Kerry McMurray asked the Council if they had a chance to review the Water Ordinance, to which the Council replied, Yes, they did. City Attorney McMurray reported parts of the Ordinance should be moved to an Appendix, which would be easier to change if needed. An Ordinance requires a Public Hearing if any changes are made. McMurray reported the current Ordinance is confusing, and should be revised to make it easier to understand.

Councilperson Brad Woodrow reported the definition of a User needs to be clearly defined.

City Attorney Kerry McMurray reported the portion of the ordinance on Water Lines needs to be defined, such as, the Water Line means the Main Line, the Service Line means the Main Line to the Meter, and the Customer Line means the Meter to the home. McMurray reported the City owns and controls the Water Meter, not the property owner, and this is how it should be.

Councilperson Wayne Winder reported he did not find any language on the City inspecting Water Lines before they are covered up, and he feels this needs City approval.

City Attorney Kerry McMurray asked the Council to please let him know of any other concerns they may have with the Water Ordinance. City Attorney McMurray suggested the Council talk with their neighbors, as they may have some concerns also. Mayor Isaac Loveland reported in reading the Sub-Division Ordinance and the Water Ordinance, there is conflicting language, which should be the same. The Mayor reported he does not want to make the decision concerning water issues, the weaknesses need to be fixed. The Water Ordinance needs to be clear and easily understood by everyone.

RAFT RIVER ELECTRIC CONTRACT

Mayor Isaac Loveland, and City Attorney Kerry McMurray reported they have not heard from Raft River Electric concerning the Contract. This item was tabled until the City is contacted by Raft River Electric.

LIVE NATIVITY

Mayor Isaac Loveland reported to the Council the Brackenbury Family have tentatively scheduled the Live Nativity for Saturday, December 19th at the Park. The Mayor asked the Council for their thoughts about allowing the Live Nativity or not.

City Attorney Kerry McMurray reminded the Council to keep in mind the State Restrictions on gatherings with no more than ten (10) people. McMurray suggested encouraging Social Distancing and Sanitation, if the Live Nativity takes place at the Park.

The Council agreed this is a Special Event, and they do not want to discourage it, but they agreed strict Social Distancing Standards and Sanitation Standards need to be followed. The Council agreed to not bringing the bleachers to the Park, just allowing families to stand together to watch the performance.

Mayor Isaac Loveland reported if the Live Nativity is held, and refreshments are served, only the end of the Pavilion should be opened, with tables lining the opening, and the refreshments placed on the tables for people to grab and go. The rest of the Pavilion will be locked, prohibiting mingling inside the Pavilion. The Mayor reported when he last talked to Brandon Brackenbury, He was not sure about having the Live Nativity this year.

Upon motion made by Carlson, seconded by Winder, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye the Council moves to allow the use of the Park for the Live Nativity in December 2020, to include signage for Social Distancing and Sanitation.

INFORMATION FROM CITY OFFICIALS

Mayor Isaac Loveland reported to the Council he is concerned about Meeting Protocol, and how to enforce the restrictions. Mayor Loveland reported he wants to be accommodating, and still follow the rules. The Mayor asked the Council if they have any ideas about dealing with this issue.

It was suggested to include a Notice in the Billing Statements outlining Meeting Protocol.

For the Public Hearing in January, it was suggested to encourage people to send or deliver written testimony to the City Office by 5:00 p.m. on January 5th, to be read at the Meeting, as this would help limit attendance at the Meeting. Also suggested was only letting two (2) to three (3) people into the Meeting, at a time, to testify in person. City Attorney Kerry McMurray reported to the Council actual written testimony received is a Public Record, and could be posted on the website during the Public Hearing. Attorney McMurray also suggested putting the ZOOM Link on the website, and the actual printed Agenda.

GENERAL PUBLIC COMMENTS

Kurt Catmull reported to the Council he is in favor of the City vacating the easement behind the Chatterly home. Catmull told the Council he feels that is a dangerous corner and area for a road. Camull reported he feels the City, and neighbors would be dealing with water problems if a road is developed. Camull suggested the City sell the property to Chatterly. Catmull thanked the Council for allowing him to share his thoughts.

PRESENTATION OF BILLS

Mayor and Council Salaries *	1700.00
Salaries – Clerk *	2880.00
Deric Bell – Deputy Clerk *	771.76
Bryan Day – Maintenance Department *	4450.50
Ravyn Buck – Maintenance Department *	2268.50
PERSI – Employer Remittance (11/16-11/30/20) *	1223.07
DL Evans Bank – EFTPS 941 Employer Remittance (Nov. 20) *	2508.32
PERSI – Employer Remittance (12/01-12/15/20) *	933.27
Raft River Electric – Water Tank-45.13/Service Work-195.00 *	240.13
SelectHealth – Insurance (Jan. 21) *	954.00
The Book Store & Office Supply – Office Supplies *	137.53
Ace Hardware – Maintenance Supplies	159.56
ATC Communications – Phone, Internet, Lift Station, & Wells	502.68
Becky Schow – Christmas Window Painting	240.00
Bonneville Power Administration – Transmission/Power (Nov.20)	13246.00
Creekside Store – Maintenance Fuel (Dec. 20)	165.78
Done-Right Contracting – Meter Pit Replacement	175.00
Ferguson Waterworks – Curb Boxes	208.00
Franklin Building Supply – Maintenance Supplies	37.69
Helena Agri-Enterprises, LLC – Sonar Q (Lagoons)	1400.00
Higley’s Lumber – Peeled Pole	20.95
Idaho Consumer-Owned Utilities – 2021 Dues/Assessment	1060.93
Keller Associates – Monthly Fee	250.00
Kerry McMurray – Legal Services (Dec. 20)	1037.00
Lamont Young – Back-Up Operator Fee (Dec. 20)	300.00

Magic Valley Labs – Water Test	18.00
Poulsen VanLeuven & Catmull PA – 2020 Audit	5600.00
Quality Repair – Flag Repair	50.00
Road Work Ahead – Signs/Posts/De-Ice/Ice Melt	1128.99
Times-News – Public Hearing (Chatterly)	43.92
TNT Electric – Bucket Truck (Banners)/Wire Fountain Lights	450.00
Stokes – Tools	59.00
UAMPS – General A&G Expenses	49.25
VISA – #3522 B. Day Dec. 2020 Stmt. (Park Decorations)	<u>47.99</u>
TOTAL	\$44,317.82

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Woodrow, seconded by Lloyd, and unanimously carried, with the following vote: Carlson-aye, Lloyd-aye, Winder-aye, and Woodrow-aye. Adjournment was at 8:07 p.m.

Isaac Loveland, Mayor

Mary Yeaman, City Clerk-Treasurer