

**ALBION CITY COUNCIL MEETING
MINUTES DECEMBER 6, 2022.**

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

OPENING CEREMONIES – The Pledge of Allegiance was led by Councilperson Brad Woodrow.

ROLL CALL – Present: Mayor Isaac Loveland, Council President Kevin Lloyd, Councilpersons Dallan Doc Carlson, Wayne Winder and Brad Woodrow, City Clerk-Treasurer Linda Hutchison, Deputy Clerk Deric Bell and City Attorney Kerry McMurray.

OTHERS IN ATTENDANCE – Earl Warthen, Linda Prefontaine, Debra Adams, Lesia Brackenbury, Bob Johnson, Jan Johnson, Corey Gardner, Heather Mortensen, Dwight Parish, Virginia Hall, Tony and Giselle Prescott, Travis and Trina Worthington, Lance Holman and Jeff Poulsen. There was another couple that did not sign in and were not immediately recognized.

APPROVAL OF AMMENDED AGENDA- Upon motion made by Woodrow, seconded by Lloyd, and unanimously carried, with the following vote: Lloyd-aye, Carlson-aye, Winder-aye, and Woodrow-aye, the Council moved to approve the amended agenda as presented.

APPROVAL OF MINUTES- Upon motion made by Carlson, seconded by Lloyd, and unanimously carried, with the following vote: Lloyd-aye, Carlson-aye, Winder-aye, and Woodrow-aye, the Council moved to approve the Minutes of the November 1, 2022 Council Meeting as presented.

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

LAW ENFORCEMENT REPORT – Resident Deputy Tanner Allred was present and reported that for the month of November there was: one (1) chest pain(non-traumatic), one (1) cruelty to animals, one (1) animal complaint, one (1) traffic stop (did not result in ticket), one (1) transport/transfer prisoner, three (3) 911 hang up/open line/prank calls, five (5) follow ups, two (2) suspicious vehicle and one (1) disturbance. Deputy Allred asked the Council if there were any questions. The Council had no questions for him.

ANIMAL CONTROLREPORT – No report given.

CITIZEN'S ISSUES

WATER ISSUES – EARL WARTHEN

Earl briefly discussed the court hearing that had taken place earlier that day. He said that he was denied to speak openly in court. He stated that after reviewing the Water Study completed by Keller Associates, he felt that he sees a better option. He was reluctant to go into the details, but said that he would let the Council know after the judge made a ruling on the judicial confirmation in progress.

AGENDA BUSINESS ITEMS

2021-2022 AUDIT REPORT – JEFF POULSEN/MAYOR

Jeff Poulson, from Poulsen, VanLeuven & Catmull, was present to give his findings on the 2021-2022 Audit. He reviewed the graphs provided in the audit packets given to the council members. Jeff reviewed that performance of each of the funds of the city: Electric, Water, Sewer and General. In each fund he presented the audit findings revenues and expenses as well as cash on hand. It was stated that current cash on hand in Electric fund is approx. \$62,000. This represents a reserve of 2-3 months. Jeff explained that while the Water fund had steady cash, the revenues were flat. It was noted that the General Fund has revenues showing from the sidewalk grant and also the sale of the Rose Garden. This accounts for 61% of the revenue (example last year's revenue was approx. \$30,000 vs. current of \$220,000). In summation, Jeff explained that the City had an overall increase of cash in every fund. His findings show that the City is in good shape financially. He asked the members of the Council if they had any questions regarding his findings. There were no questions. The Council then proposed that the audit be accepted and signed by a motion from Winder and seconded by Woodrow and a vote of Lloyd-aye, Carlson-aye, Winder-aye and Woodrow-aye.

LAGOON SEEPAGE TEST RESULTS AND REPAIRS – MAYOR

Mayor Loveland reviewed the results of the Lagoon Seepage Tests that were done in April and July of this year. In the study, one of the lagoons failed the seepage test. He brought to the attention of the Council that he had received a communication from DEQ regarding the failure of one of the City's sewer lagoons. In this communication, DEQ provided four (4) options to address the problem: one (1) – Repair the lagoon, two (2) - Completely reline the lagoon, three (3) – Completely drain and stop using the lagoon and four (4) – Evaluate the groundwater around area and continue with use. The Mayor stated that option four (4) has never been approved by DEQ and is not likely to happen in our case. He also noted that draining and discontinuing use of one (1) lagoon is just not possible for our current sewer workload. He told the Council that they are going to have to choose from option one (1) – repair the lagoon or two (2) – reline the lagoon. Loveland stated that probably the cheapest option would be to add clay to repair the lagoon, while the option to reline the lagoon would be a lot more costly. It was stated that the City had sixty (60) days to provide a proposed plan to DEQ. The Mayor told the Council that as long as we are making an effort to try to correct the problem, DEQ should be willing to work with us. He presented that the option of repair by drying out the lagoon and then adding clay would have a cost around \$70,000. The Council has until January 30, 2023 to provide a response to the DEQ communication. At the next

meeting, the Mayor said he would have more information on these options. It was requested that sewer lagoon repair be put on next month's agenda.

USDA GRANT/LOAN APPLICATION DISCUSSION - MAYOR

The Mayor explained that Jeff McCurdy, of Region IV Development, had asked him to discuss with the Council the USDA Grand/Loan Application. This loan amount would include an approx. \$500,000 in expenses on the water project due to inflation. Jeff had said it would be best to apply on the higher side and then use less. It was noted that there would be no construction until the spring of 2024. The total breakdown of proposed funding would be 44% of the total to be paid by ARPA funds. The USDA loan would be for approx. \$500,000. There would hopefully be other grants to cover remaining balance. Whatever is left at the end would be potentially financed with a loan with a 1% interest rate over 40 years. The decision was made to let the Mayor continue with the application through the USDA.

LIVE NATIVITY - MAYOR

It was brought to the attention of the Council that the Live Nativity production is scheduled for the 10th of December. The Mayor said that he had reviewed the location of the new sprinkler system with the Brackenbury's. All parties felt they could bring in the bleachers and backdrop without disturbing the new system. He stated that he needed the Council's approval for this event to take place. Approval was given by a motion by Woodrow and a second by Lloyd and a vote of Lloyd-aye, Carlson-aye, Winder-aye and Woodrow-aye.

DISCUSS AND SET DATE FOR HEARING ON RESERVATION OF FOREGONE INCREASE FOR FY 2022 – MAYOR/ATTORNEY

Attorney McMurray explained that due to a governmental software error, the City has a foregone balance that has yet to be claimed. He stated that according to law, we must conduct a public hearing in order to be able to claim this money. It was noted that the City has a balance of \$1,677. If no steps are taken, the funds will disappear. McMurray explained that the process to claim the funds include a public hearing and then a resolution. This process must be completed and submitted prior to December 31, 2022. There was discussion of the timing of this hearing and McMurray reminded the Council that notice must be published in the paper at least 14 days prior and must run twice. The 21st of December would be the very soonest that the hearing could take place. After some discussion it was decided that December 28th would work to have our hearing. It was discussed that a retirement open house for Mary Yeaman could possibly be held that night from 6- 8pm, with the meeting for the hearing taking place at 8pm. Dwight Parish questioned where the notice for the hearing and if it would be in the Times News. He was answered yes, it would be in the Times News and also posted in the three (3) usual spots of the City Office, the notice board at the Civic Center and the

bulletin board at the Post Office. Attorney McMurray stated that he would take the steps to get the notice published in the paper right away.

REVIEW, DISCUSS AND ADOPT “CONSULTING AGREEMENT” AND “VOLUNTEER FORM” – MAYOR/ATTORNEY

Attorney McMurray stated that it has become necessary to have these policies in place. He explained that consultant was a paid position while volunteer is an unpaid position. The agreements for each spell out the consultant/volunteer’s rights. The Council asked if this could be applied to different situations that may arise. McMurray stated that these agreements could be broad enough to cover other items, with the caveat that there be an addition of an “Exhibit A”. The Council had been provided copies of the two agreements for their review. With no further questions forthcoming, the decision to adopt both the “Consulting Agreement” and the “Volunteer Agreement” was made by a motion by Winder and a second by Carlson with the following vote of Lloyd-aye, Carlson-aye, Winder-aye and Woodrow-aye.

INFORMATION FROM CITY OFFICIALS

Lloyd stated that he had had no contact yet with the American Legion. Woodrow and Winder said they would help contact Jim Kempton regarding the use of the Civic Center. It was mentioned that the office could help in locating a contact number for Mr. Kempton.

Woodrow reported that new leash law signs have been posted around town.

Mayor Loveland asked that cost of living increases be put on the agenda to be discussed at the next council meet. There was a question about fireworks and the timing of their funding. It was recommended to the Council and public that they contact Jeralee Jones with questions.

PRESENTATION OF BILLS

Mayor and Council Salaries*	1,700.00
Salaries – Mary Yeaman – Final Check/Clerk*	2,075.90
Linda Hutchison- City Clerk/Treasurer *	1,008.40
Deric Bell – Deputy Clerk*	368.75
PERSI – Employer Remittance- 11/16 –11/30/22*	2,007.75
DL Evans Bank–EFTPS941 Employer Remittance Nov.22*	3,661.48
PERSI – Employer Remittance 12/01-12/15/22*	723.72
Select Health – Insurance*	861.00
Deric Bell – Security Camera for Civic Center*	26.88
Deric Bell - Retirement Plaque & Flowers	107.98
Isaac Loveland – Retirement Open House- Cakes/Food	309.88
Linda Hutchison – Retirement Open House- Cutlery/Drinks	51.79
ATC Communications – Dec.2022	749.32

Burley Reminder – Ledger and Meter reading cards	223.14
ETS Email License –	32.50
Bonneville Power Administration	18,114.00
Creekside Store – Maintenance Fuel	259.85
Idaho Consumer - Owned Utilities Association-	1,186.01
Keller Associates – Judicial Confirmation Support	1,668.75
Keller Associates – Monthly Fee – T&M	670.00
Kerry McMurray – Legal Services Dec. 2022*	1,377.00
Lamont Young – Back-Up Operator Fee/ Water Testing	600.00
Let’s Ride – Winch	319.59
Magic Valley Labs – Water tests & Well 2 Testing	1,722.00
Poulsen VanLeuven & Catmull CPA – 2022 Audit	6,500.00
Region IV Development – Grant Writing Fee	1,500.00
Times News – Publish Public Hearing Notice	72.38
UAMPS – General A&G Expenses	50.68
Visa – #2580 L.Hutchison Dec. 2022 Stmt.	743.37
Visa - # 6721 D.Hageman Dec. 2022 Stmt.	907.32
Western Waste Services – Dumpster	53.97
Total	49,653.41

COUNCIL ENTERS INTO AN EXECUTIVE SESSION

At 7:41 pm, motion was made by Lloyd to enter into an Executive Session pursuant to Idaho Code 74-206 (1)(a) to discuss personnel matters. The motion was seconded by Carlson, and unanimously carried, with the following roll call vote: Lloyd-aye, Carlson-aye, Winder-aye, and Woodrow-aye. Before the session began, Councilperson Woodrow recused himself due to a potential conflict of interest.

COUNCIL RETURNS TO A REGULAR SESSION

The Executive Session was concluded at 8:12 pm. Upon motion made by Lloyd, seconded by Winder, and unanimously carried, with the following vote: Lloyd-aye, Carlson-aye and Winder-aye, the Council decided to take the matter regarding Idaho Code 74-206 (1)(a) under advisement.

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Winder, seconded by Lloyd, and unanimously carried, with the following vote: Lloyd--aye, Carlson-aye, Winder-aye, and Woodrow-aye. Adjournment was at 8:12 pm.

Isaac Loveland/ Mayor

Deric Bell, Deputy Clerk