



## Minutes of the Albion City Council Meeting Held August 6, 2024

CALL TO ORDER – The meeting was called to order at 7:03 pm in the Albion Civic Center by Mayor Isaac Loveland.

OPENING CEREMONIES – Councilperson Wayne Winder led the Pledge of Allegiance.

ROLL CALL – Roll call by Linda Hutchison Clerk- Treasurer. Present: Mayor Isaac Loveland, Council President Kevin Lloyd, Councilpersons: Dallan Doc Carlson, Wayne Winder, and Tyson Tolman; City Clerk-Treasurer Linda Hutchison, Deputy Clerk Deric, and City Attorney Kerry McMurray.

OTHERS IN ATTENDANCE – Troy Mortensen, John Davis, Lance Holman, Richie Carlson, Myron Wilson, Tony Prescott, Colleen Klamm and Leroy Klamm. There was one other attendees that was present but did not sign in and was not immediately recognized.

APPROVAL OF MINUTES- There being no questions or corrections, a motion was made to approve the Minutes of the July 9, 2024 meeting by Carlson, seconded by Tolman, and carried with a vote of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye.

APPROVAL OF BILLS – The bills were reviewed by the Council Members and a motion was made to approve them as presented by Carlson, seconded by Lloyd, and approved with the following vote: Lloyd-aye, Carlson-aye, Winder -aye, and Tolman-aye.

### LAW ENFORCEMENT REPORT

Cassia County Sherriff's representative Tanner Allred was present and reported that for the month of July, there were: one (1) heart problems/A.I.C.D., one (1) psychiatric/abnormal behavior/suicide attempt, one (1) person check, five (5) traffic stops (in which four (4) citations were issued), two (2) 911 hang up/open line/prank calls, one (1) follow up, one (1) business check, one (1) disturbance, and one (1) dog- vicious. Allred asked if there were any questions from the Council or community; there were none.

### MAINTENANCE DIRECTOR REPORT

Maintenance Director Brad Woodrow reported that he is replacing a speed limit sign on West Street. He has also ordered a water line tapping kit that will allow him to work with multiple size line taps and includes a tool that will aid him in his goal to unify supply line sizes. The Maintenance Dept. has also acquired a new portable shop vac to aid in cleaning out valve boxes and meter pits. This will allow him to establish a valve maintenance program. Woodrow also stated that he hoped to be able to return to filling potholes sometime soon. John Davis inquired about the purpose of the new cinderblock structure near the pavilion. Woodrow explained that it is the connection set up for the park sprinkler system and had to be that large to meet current DEQ standards. He also stated that there were plans in the works to help beautify it.

### CLERKS REPORT

Deputy Clerk Bell reported that he will be setting up the Council's new .GOV City email accounts for each of them and will get them the address as well as information on how to access their accounts. He also noted that employee benefits insurance had been renewed and there will be some increase this year, however, he is working with the City's insurance broker to look at a new health plan, Saint Luke's Health Plan, for the next year. This is a newer insurer, and the broker believes that by next year, they will have enough data to see if the plans offer adequate coverage for the price. Bell reported that he is working with Raft River Electric to update service numbers on their maps and believes this will benefit both parties. He ended by informing the Council that High Output Construction, our sidewalk contractor, has been paid the final payment and the letter of completion has been signed.

### GENERAL PUBLIC COMMENTS/ CITIZEN'S ISSUES

**Troy Mortensen** came to the podium and announced that they are moving the old trailer on Whitman St. and have plans to develop the property. He mentioned that he has five (5) children, who will possibly want some ground and noted that he has been approached by people about the same type of thing. Mortensen stated that he might soon have this type of property and if people had any questions, please get a hold of him. He also noted that the Whitman St. property is the only property in City limits that he considering developing at this time. Finally, Mortensen stated that had questions regarding the City's lot line

adjustment policies, but the Mayor told him revisions were in the works currently. **Richie Carlson** distributed a copy of a potential lot line adjustment that he would like to make on a couple of vacant lots he has acquired. He has an interest in putting two homes, varying in square footage of 10,000 and 14,000, and a rear driveway. Carlson also had questions regarding the City's policy on lot line adjustments and stressed the importance of a clear definition of lot lines. The Mayor went over some of proposed changes to the lot lines, with the goal being to make a fair and simple law regarding lot adjustments. Lloyd was concerned about people using this to circumvent the subdivision policy, however, Attorney McMurray explained that to qualify as a lot line adjustment, it must meet specific criteria. Mortensen then asked about parcel number assignment and taxing setup and was answered that there are no new parcel numbers created, just adjustments within that parcel. Myron Wilson asked about Cassia County's involvement in the process. McMurray explained that things are reviewed at the County, but ultimately the City is its own planning and zoning entity. The Mayor stated that this should negate the creation of substandard lots, leaving buildable pieces. The Mayor asked the Clerks to put this item on the agenda for the next meeting. McMurray asked if the Council would like a draft version to review or have a final one ready for the next meeting. The Mayor asked for a final version to be presented, and if there were any changes, the Council could choose to not vote on it at that time. **A lady, identified after the meeting as Colleen Klamm**, came before the Council to explain that they are a new homeowner moving to Albion and that she was given a list of things to bring before the Council. After an introduction to her background and education, she shared that her husband has been dealing with their builder, Rod Osterhout Construction, and the City regarding building on 601 School St. Her list of complaints began with anger with the City Maintenance Department telling them that they would have to dig up a road to connect to City services. Woodrow stood and responded that this was not a correct representation of the exchange. Another complaint was that the City sent a Cease Order to the builder, and this angered her husband and the builder as they felt that permits and inspections were not needed. Then Klamm went on to explain that they were very upset to receive a bill for City services consisting of two (2) months sewer and one (1) partial month electric. She did not feel that this was fair, as they were not there using services. It was explained that the City's policy is that billing starts at the time of connection. A gentleman, later identified as Leroy Klamm, then stated that in Heyburn when he turned off on his water on a rental property, there were no continuing charges. Wilson spoke up and stated that when he was building his home, he was in a similar situation and in the seven (7) years it took to complete his home, he paid the sewer charge every month. Mortensen explained that the City receives funding that require a certain rate and that this is very standard in very small communities so that the utility systems can be maintained. Leroy Klamm was very adamant that the current policy is not fair, and he feels that the City should waive the fees and correct the policy. Colleen Klamm further shared from her list about how displeased her husband had been with the City of Albion and that the level of perceived incompetence was not acceptable. The Mayor stated that disrespect would not be tolerated with Council or City Staff. He then asked what she wanted the City to do. C Klamm replied that they wanted the current charges removed and to stop ongoing charges. She was told that this is something that Council would not take under consideration as it would be unfair to all other new construction projects. There was some general discussion about system plans and "as builds". Lance Holman stated that in his profession, he has a relationship with JUB engineers and that he would try to obtain anything they have regarding the City.

## AGENDA ITEMS

### **1 – Public Hearing Regarding “Proposal to Increase Water System Connection Fees” with Discussion and/or Adoption**

Mayor Loveland opened the public hearing at 7:46 pm. He stated that we have been talking about this for a few months and then proceeded to read the introduction of the resolution: “The purpose of this hearing is to receive public comment on the proposal to increase the fees for a new connection to the City public water system from One Thousand Five Hundred Dollars (\$1,500.00) to a minimum of Two Thousand Two Hundred Fifty Dollars (\$2,250.00). The proposed increase is in excess of five percent (5%) of the existing fee and so this hearing is being held pursuant to provisions of Idaho Code [Section 63-1311A]. The increase is to cover the costs of administration, services and materials for a connection to the City's public water supply”. The Mayor then stated that he would entertain any public comments on the increase of the connection fees to come to the podium, speak clearly, if possible, and state your name and address. To the podium came to Troy “Bob” Mortensen and questioned if the increased fee would include the meter. Loveland replied that the fee included everything. Mortensen then asked if it would be the builder who put the meter in or do you [the City] put that in. Loveland stated that this is the same way it's always been, the plumber sets the box, and the City performs the tap and puts installs the meter. Mortensen queried if the owner was then responsible for connection to the meter. Loveland said that it would be them or the plumbers' costs for the rest of the installation. Loveland reiterated that the only change to this would be increase of the fee and reminded those in attendance that the meter pit itself is over \$1,500 for clarification. Loveland began to move forward with the hearing; however, another participant arose. Loveland asked him to state his name and address to which the participant replied that his name is Leroy

Klamm of Paul, Idaho but has property in Albion as well. He stated his opposition to the proposed increase of fee unless you [the City] want to revisit the topic just discussed about connection fee. Klamm noted that if you are connected to a water or sewer line but cannot use it because it is unlivable or hasn't been inspected for occupancy yet, he didn't care if you increased the fee, but stated that the previous topic be revisited. He continued that if the charge was not really justified, that the City take it off their policy. The gentleman then sat down, and Loveland thanked him for his comments. With no other comments forthcoming, Loveland then turned some time over to the Council for deliberation or thoughts. A question came from Winder about the actual costs associated with a connection, positing that meter pit is \$1,500 and the meter itself is another \$500 to \$600. Loveland stated that in calculations, it was shown that the City is barely breaking even the new fee level. Winder also noted that the materials themselves are at least \$2,000 and that doesn't include the labor expended by the City. He continued that with labor, the City makes no money on the connection. Loveland shared that, as in the past, the goal is to just break even. Council members discussed how this was a necessary increase so that the City residents do not eat the cost. Loveland asked Woodrow the price of a necessary new tapping kit and was answered that it would be \$1,850. Loveland stated that we don't have to buy them all the time, but they do wear out. Someone in the audience asked what the fee was prior to it being the \$1,500 and was answered that it was set at \$7,500 previously. Loveland then said that there being no other comments, he would entertain a motion to approve the increase in connection fee. A question was asked about the requirement of three (3) readings, but McMurray stated that as it is a resolution, this was not required. Loveland reminded everyone that ordinances are the items that require three (3) readings and resolutions do not. Lloyd proposed that resolution 2024-03 to increase the water connection fee to \$2,250. Loveland stated that a motion had been made by Lloyd and asked if there was a second which was then given by Tolman. Loveland confirmed with McMurray that this required a roll call vote. Hutchison led the roll call vote with results of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye. Loveland stated that the resolution had passed unanimously. The hearing ended at 7:52 pm.

## **2 – Public Hearing Regarding “Proposed Budget for FY24-25 & Resolution to Use Foregone Funds in FY24-25’s Budget”**

Mayor Loveland stated that we have one more public hearing and at 7:52 pm the public hearing on the proposed budget for FY24-25 as well as use the foregone funds in FY24-25's budget. Loveland noted that we have gone over the budget now for four (4) months and that everything is in order, including being published in the Times News with a cost of \$522. Loveland stated that he would now take comments specifically on the budget. After a small interruption by a smartphone assistant, Mortensen asked where the budget is and if was on the small paper available to the audience. There was a comment that the size made it difficult to read and Loveland jokingly said it was intentional, receiving a few laughs. Mortensen then said that he did see the proposed budget and Loveland noted that there were corresponding colored lines. Loveland sought any further public comments and, there being none, turned the meeting over to the Council for their comments or deliberations. Myron Wilson, stating that he preferred to speak from the audience, said that he did have one question. He inquired about the rise and fall of connection fee income and wondered if we are expecting growth this year. After discussion to make sure he was on the same page and a noise interruption from a passing vehicle, Loveland explained that this line item is an educated guess for the coming year, however we already have between six (6) to eight (8) verbal confirmations of new homes coming within City limits. Loveland confirmed that he knew of six (6) new homes coming this year and that is counting only those within the City. Loveland noted that this figure is on the revenue side and felt this was a fair representation. He turned again to the Council for any questions or comments and there being none, said that he would entertain a motion to approve the budget FY24-25. A motion was made by Carlson to approve the proposed budget for FY24-25 after which Loveland asked if there was a second. A second was made by Winder and the Mayor called for a roll call vote. Hutchison led the roll call vote with the results of: Lloyd-yea, Carlson-aye, Winder-aye, and Tolman-aye. Loveland stated that it was unanimous, and the budget was approved. Loveland then called for a separate vote regarding the use of Foregone Funds, and after some confusion, McMurray explained that the proper documentation was not in order at this time and that after information verification with Cassia County, that a hearing be scheduled with a specific dollar amount for the next meeting. It was agreed to table the item and add it to next month's agenda. The hearing concluded at 7:57 pm.

## **3 – Discuss/Adopt “Resolution 2024-03” Regarding an Increase to Water System Connection Fees**

[Resolved in Item 1]

## **4 – Discuss/Approve “Ordinance 2024-08-01” Regarding Changes to “Title 3 Chapter 5” – City Parks, Property and Recreational Facilities**

Attorney McMurray read through the proposed ordinance, constituting the first (1<sup>st</sup>) reading required by law. Mayor Loveland stated that this is the result of several months of work and felt it was a positive change. He then referred the item to the Council for comments and questions. The consensus of the Council was positive. The Mayor asked McMurray how to proceed.

McMurray explained that ordinances require three (3) readings or Council waiver prior to the final vote. Myron Wilson for the audience stated that he felt it was better to have all three (3) reads performed. Loveland shared that this has been in process with the public for several months, so people have had the ability to provide input, however, stated that the decision lies with the Council. Winder felt that after the criticism received about communication on the water project, that it may best to perform all three readings. After some discussion among the Council members, the decision was made to have all three (3) readings performed prior to the vote. McMurray directed the Clerks to make note that the first (1<sup>st</sup>) of three (3) readings had been performed. The second reading will be scheduled for the next regular Council meeting.

**5 – Discuss/Approve “Ordinance 2024-08-02” Regarding Changes to “Title 7 Chapter 2” – Itinerate Merchant/Mobile Food Truck Regulations**

McMurray began by reading the ordinance, constituting the first (1<sup>st</sup>) reading required by law. Loveland stated that as this was an ordinance up for approval, the same three (3) readings or waiver applies. He jokingly said that since the precedent had been established on the prior item, there is a little pressure to stick with three readings. There was Council discussion regarding the fact that this has been in process and on the public agenda for the past six (6) months, but ultimately decided to continue with the three (3) readings. McMurray again asked the Clerks to have it noted that the first (1<sup>st</sup>) of three (3) readings has been performed. The second reading will be scheduled for the next regular

**6 – Review Water Project Expenditures (Requests 1 – 3) and Authorize Mayor to Sign Documentation**

Loveland reviewed the three items that have are being billed under the Water Project, including the two (2) invoices from Region IV Development and one (1) invoice from Keller Associates for engineering services. The Council reviewed the provided invoices, and Winder made a motion to approve the invoices and grant the Mayor permission to sign the documentation. The motion was seconded by Lloyd and was passed with a vote of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye.

**7 – Potential Review/Approval of Water Project Engineering Plans and/or Expenses From Keller Associates**

Information was not available at this time and the item was tabled for a future meeting.

**9 – Executive Session / 10 - Executive Session Approvals**

A motion was made by Carlson to enter an Executive Session pertaining to **Idaho Code 74-206 1 (c)**. The motion was seconded by Lloyd and the matter was put to a **roll call vote** with a result of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye. The Council, Mayor and City Attorney then officially **entered Executive Session at 8:16 pm**

The Executive Session was ended at 8:30 pm by a motion made by Lloyd, seconded by Tolman, and carried with a vote of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye

The Mayor stated to the Clerks that the Council is unanimous in beginning the process to acquire property pursuant to the Water Improvement Project.

**PRESENTATION OF BILLS**

PAYEE	DESCRIPTION - NOTES	AMOUNT
Mayor and Council Salaries*	Salary/Payroll*	1,700.00
Linda Hutchison - City Clerk/Treasurer *	Salary/Payroll*	1,800.00
Deric Bell – Deputy Clerk*	Salary/Payroll *	3,740.00
Brad Woodrow - Maintenance Director*	Salary/Payroll*	5,788.50
IRS Direct Debit*	EFTPS <b>941</b> Tax.	3,258.31
ATC Communications	Internet Service	690.60
Beam Insurance *	Dental/Vision Policy*	344.34
Bonneville Power Administration*	Electric Power Purchase *	11,831.00
CAL Store	Maintenance. Supplies-	96.41
Cassia County Sherriff	Annual Law Enforcement payment.	2,500.00
Column Software PBC – (Times News)*	Publish Notice of Foregone Funds (Published Twice)	84.66
Costco*	Purchase Office Supplies (w/ VISA Debit Card)	55.81
DEQ	FY 2025 Drinking water System fee	735.00
ETS*	Email License –	62.00

GEM State Dairy Supply	Chlorine	1,588.17
Gordon Electric Supply	Electric Meters	1,750.00
HP Instant Ink*	Office Copier Ink Plan (w/ VISA Debit Card) *	7.41
ICRIMP	Risk Mng. Insurance Bi-Yearly Payment.	6,416.50
KD Co.	Lawn Mowing service	875.00
Keller Associates	Engineering Service	250.00
Kerry McMurray*	Legal Services *	1,351.50
Lamont Young	Back-Up Operator Fee Water (Chemical) Wastewater	200.00
Magic Valley Labs	Water & Wastewater Testing-	271.00
Magic Valley Utility Locates	Line locates (2-QTY)	160.00
Mountain Land Supply Co.	Water meters/ parts, tools	2,866.80
NORCO Inc.	Rental & Safety Materials –	14.00
Ooma Office*	Phone Service – Office/SCADA Backup *	90.26
PERSI*	Employer Remittance	2,763.13
Raft River Electric	4- New Electrical Services (Hunter Addition Properties)	24,718.74
Select Health*	Insurance Benefits*	2,296.00
UAMPS	General A&G Expenses	62.00
<b>US Post Office</b>	500 Stamps (500 @ 0\$.73)	365.00
<b>Visa – #2580 Linda Hutchison</b>	Quick Books Online Pmt., Office Chair	267.48
<b>Visa - # 3554 Bradley Woodrow</b>	-No Charges This Month-	0
<b>Fuel Visa - # 5228 Deric Bell</b>	Maintenance Department Fuel Purchases (Dedicated Card)	333.04
Wildcat Waste Service*	Trash Removal (2 Dumpsters w/ Weekly Service) [ACH Pmt.] *	100.00
<b>TOTAL</b>		<b>\$77,732.66</b>

\*Denotes Payments Already Made Pending Council Ratification

**COUNCIL COMMENTS/INFORMATION FROM OFFICIALS & STAFF, FINAL THOUGHTS AND OUTSTANDING REPORTS**

Lloyd shared that his neighborhood will be hosting a block party on Friday the 9<sup>th</sup> of August. He asked if there were cones or a way to block off one of the roads to allow for the party. He was advised the Albion Highway has good road closed signs and may be a good contact for that as well. He was advised that if any road access will be blocked, it would be best to contact Fire and Dispatch services to let them know of the temporary closure. Carlson asked about the start date of the Whitman Street reconstruction. Loveland stated that it has been pushed to the first part of September. Hutchison shared that she had received a complaint about a tree that has grown to block the view at the intersection of West and North Street. Loveland asked that a letter be sent to the owner of the property respectfully advising them of the situation.

**COUNCIL ADJOURNS**

There being no further business at this time, the motion was made by Lloyd to adjourn the meeting. It was seconded by Tolman, and with a vote of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye, the meeting was officially adjourned at 8:36 pm.

  
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 Isaac Loveland / Mayor

  
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 Deric Bell / Deputy Clerk