

**ALBION CITY COUNCIL MEETING
MINUTES JUNE 4, 2019.**

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 Council President Zack Alexander.

ROLL CALL – Present: Mayor Isaac Loveland, Council President Zack Alexander, Councilpersons Dallan Doc Carlson, and Kevin Lloyd, City Clerk Mary Yeaman, City Attorney Kerry McMurray, and Maintenance Department Bryan Day. Councilperson Chad Manderscheid was excused.

OTHERS IN ATTENDANCE – Deputy Clerk Deric Bell, Lynn and Emily Jane Wickel, Bob and Jan Johnson, Georgia Dimick, Robert and Jeanna Baker, Randy and Janet Brackenbury, John Davis, Kathy Endres, David Chatterly, Troy and Heather Mortensen, Adelmo Maestas, Ivan McCracken, Myron Wilson, JC Johnson, Mary Lynne Bristol, Resident Deputy Jason Lynch, and George Kelley.

APPROVAL OF MINUTES – Upon motion made by Alexander, seconded by Lloyd, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, and Lloyd-aye, with Manderscheid excused, the Council moved to approve the May 9, 2019 Special Meeting Minutes as presented.

APPROVAL OF BILLS – Upon motion made by Lloyd, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, and Lloyd-aye, with Manderscheid excused, 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 April he had twelve (12) Traffic Stops, which resulted in ten (10) Verbal Warnings, and two (2) Citations. Lynch also reported checking out one (1) Theft under \$1,000 dollars, checking out four (4) 911 Hang Up Open Line/Prank Calls, doing one (1) Vicious Dog report, checking on three (3) Controlled Burns, checking on one (1) Cow Out, doing one (1) Public Relations, and doing one (1) VIN Inspection. Resident Deputy Jason Lynch reported to the Council for the month of May he had eleven (11) Traffic Stops, which resulted in nine (9) Verbal Warnings, and two (2) Citations. Lynch also reported checking out one (1) Theft under \$1,000 dollars, responding to one (1) Accident – Injury Unknown, checking out two (2) 911 Hang Up Open Line/Prank Calls, responding to one (1) Stray Dog, serving one (1) civil Paper, and doing two (2) VIN Inspections. Lynch asked the council if they had any questions, to which there were none.

Mayor Isaac L overland thanked Deputy Lynch for his report and the time spent in Albion.

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

BUSINESS ITEMS

PUBLIC HEARING REQUEST FOR VARIANCE – BAKERS

Mayor Isaac Loveland opened the Public Hearing on the Request for Variance from Robert and Jeanna Baker. The Mayor reported the Hearing will be recorded, and asked those wishing to speak to state their name and address for the record. The Mayor reported according to the Ordinance the setbacks are twenty-five feet (25') in the front, fifteen feet (15') in the back, and five feet (5') on the sides, except on a corner lot, which is twenty feet (20') on the sides. The Mayor turned the time over to the Bakers.

Jeanna Baker, 614 Shadow Mountain Circle, reported to the Council they are requesting a Variance on the setbacks. Baker reported she came to the City Office, several times, and was given information on the setbacks by the City Clerk. Baker reported there was a misinterpretation of the information given, and we got notified that the house was not in compliance after the foundation was in, and the garage floor was poured. The Title Company discovered the discrepancy, and they spoke to the City Office, and they said the Chart could be read either way. Baker reported it wasn't until we were moving the Water Meter, that Mayor Loveland pointed out that we would need to apply for a Variance.

Councilperson Kevin Lloyd asked Baker what part of the Chart can be read either way, to which Baker replied, it says the front setback is twenty-five feet (25'), and in the footnote, it says from the right-of-way of the road.

Jeanna Baker reported they were instructed it was twenty-five feet (25') from the edge of the road. We went in thirty-five feet (35') in the front, it is the side we are short on, and need a Variance for. We are short ten feet (10') on the side.

Mayor Isaac Loveland asked the Council to look at the back of the information he provided, as this will show what area is being talked about, which is the twenty feet (20') side yard.

Council President Zack Alexander asked Baker if they are calling the west side of their house, the front, to which Baker replied Yes, that is the front of the house. Alexander asked how many feet back is the front of the house, to which Baker replied they are back thirty-five feet (35') in the front. Alexander asked if they are sure they are back that far, and if they have had a Survey done showing the property lines, and where the Survey pins are? Robert Baker told the Council he thinks one (1) Survey pin is buried under their driveway.

Mayor Isaac Loveland asked Robert Baker to please come to the podium, state his name and address before speaking. The Mayor reported we need to follow the proper procedures.

Robert Baker, 614 Shadow Mountain Circle, told the council the pin was there, but he thinks the concrete truck run over it.

Council President Zack Alexander asked the Bakers if the front of their house is sixty-five feet (65') from the center of the road, to which Robert Baker stated he is not sure.

Mayor Isaac Loveland reported according to the plot plan there should be one (1) more pin, where the corner is rounded, and it could be where the garage is. The Mayor reported the Council needs to know where exactly the property lines are, before a decision can be made.

Jeanna Baker reported when the concrete forms were in place, your Building Inspector came out and inspected them, and signed off on them.

Council President Zack Alexander reported it is not our Inspector, to which Jeanna Baker reported it is whoever you work with in the County. Robert Baker said if he would have caught it then, we would not have this problem. Robert Baker reported we asked several times what the setbacks are and was told twenty-five feet (25') from the road, and this is what we went by.

Councilperson Kevin Lloyd asked the Clerk if this is true, to which the Clerk replied Yes. Mayor Isaac Loveland reported the Subdivision regulations mimmick the City's, to which Jeanna Baker reported they do not, you do not have the second Amendment which changes all of that, and says just follow the City of Albion Ordinances. The Mayor reported they are basically the same, except the City's side yard on a corner lot is twenty feet (20'), and the Subdivision's side yard is ten feet (10').

City Attorney Kerry McMurray reported the Subdivision second Amendment refers to the property lines. McMurray also reported Restrictive Covenants do not override City Ordinances. McMurray asked if the Bakers received the Building Setback Chart for the City of Albion, to which Jeanna Baker said Yes, after the fact. McMurray reported on the Chart it talks about the right-of-way-line, which is the same as the property line.

Jeanna Baker asked where in the Ordinance does it say the right-of-way line is the property line, saying she read the Ordinance and did not find anything that said that. Baker reported when we read the right-of-way line we thought the edge of the road and so did the Clerk. Baker reported nothing in the Ordinance is a clear definition of what the right-of-way is.

Robert Baker told the Council regardless of what it is, the house is where it is, and asked what can we do to move forward?

Mayor Isaac Loveland reported that is where we are at, without a clear Survey, we have no way of knowing what Variance to grant. The Council needs to know where the survey pins are, before making a decision on this.

Jeanna Baker asked how long is this going to take, we need to be in the house by August 1st. Baker asked the Council, are you guys going to tell us we have to tear our house down, and move it, to which Mayor Isaac Loveland reported that is up to the Council sitting here. Mayor Loveland reported looking at the plot map, your lot is ninety-six feet (96'), and your house is seventy-two feet (72'), which does not fit into the setbacks.

Robert Baker asked if the Mayor is saying the house is too large, to which the Mayor replied Yes, to fit within the setbacks. The Bakers asked why it was pasted off then, isn't that the job of the Building Inspector? Jeanna Baker said in her experience, that is the responsibility of the Building Inspector.

Mayor Isaac Loveland reported the Building Contractor should be responsible for making sure everything is done correctly, to which Jeanna Baker said the Building Contractor relied on the Building Inspector.

Robert Baker told the Council we just did what we were told.

Mayor Isaac Loveland thanked the Bakers for their comments. The Mayor reported if anyone else has any comments, to please come to the podium, and stat your name and address.

Emily Jane Adams Wickel, I live in Rupert now, but have lived in this town many years, and I feel if I come back, and they get this, then I get it too. You guys better think about this I should get the same opportunity as anyone else. I may have moved away, but I am still in Albion. That's all I have to say.

Mayor Isaac Loveland thanked Emily Jane Adams Wickel for her comments.

Troy Mortensen, 214 Water Tower Circle, reported he has had to deal with the Canyon County Building Inspector on issues like this, and I agree with them, the County Building Inspector needs to do more for the City. I don't feel they had any malintent, they did what they were told to do. I don't think you would tell them to tear their house down, that would be unfortunate for them, and foolish on your part, as a Council.

Randy Brackenbury, 1146 East 1000 South, as I understand, in order to grant them a Variance you need a Survey, to know how much of a Variance to grant. Brackenbury asked if he is correct, to which Mayor Isaac Loveland replied Yes.

Jeanna Baker asked if she needs to contact the Surveyor, to locate the pins, to which she was told Yes.

Councilperson Kevin Lloyd reported we cannot grant a Variance without knowing how much of a Variance is needed. Lloyd reported if there was a mistake on their part, they should give you some kind of compensation.

Jeanna Baker told the Council she will call the surveyor tomorrow. Baker asked if you need the information from us, or the Surveyor?

City Attorney Kerry McMurray told Mrs. Baker the Council will need a certified, stamped drawing from the Surveyor, showing the property lines, and the house location in reference to the property lines.

Mayor Isaac Loveland reported that way we will know the exact amount of Variance to grant. The Mayor reported when you get that done, we can call a Special Meeting to discuss the information, and then the Council can make a decision.

Jeanna Baker told the Council she will call and get that done.

City Attorney Kerry McMurray reported it will be best to know a date and time, if there is a Special Meeting called to inform the community. McMurray suggested taking the matter under advisement, and recessing the Public Hearing until the date selected.

Mayor Isaac Loveland asked the Bakers if they needed two (2) weeks to get the information from the Surveyor, or if they want to wait until the July Council Meeting, to which Jeanna Baker said they can wait until the July Council Meeting. The Mayor recessed the Public Hearing Request for Variance until the July 2, 2019 Council Meeting.

4TH OF JULY CELEBRATION UPDATE – KATHY ENDRES

Kathy Endres and Janet Brackenbury reported to the Council the activities planned for the 4th of July Celebration. Kathy Endres reported a Street Dance and Chili Feed will be held on July 3rd. The Band that played last year will be here again this year. On the 4th the Patriotic Program will be held at 10:00 a.m. in the Albion Civic Center, followed by

the Flag Raising Ceremony, in the Park, around 10:30 a.m. The Parade will begin at 11:00 a.m. No Fireworks are planned for this year.

Janet Brackenbury reported there will be Food Booths and Activities for all ages throughout the afternoon at the Park following the Parade. Posers will be put around town, with all Events and Times listed. The Color Run will be held on June 20th, in the evening, and you can call Beth Anne or Janet to register.

Kathy Endres asked the Council for a donation for the 4th of July Celebration, saying any amount would be greatly appreciated.

Upon motion made by Lloyd, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, and Lloyd-aye, with Manderscheid excused, the Council moved to approve a donation of twelve hundred dollars (\$1,200) for the 4th of July Celebration, and approved blocking off South St., on the South side of the Park, for the Street Dance.

HISTORICAL MUSEUM UTILITY CHANGES

Mayor Isaac Loveland reported to the Council the Historical Museum is requesting a change on their water and sewer monthly charges. The Council has granted this request for other non-profit entities within the City.

Upon motion made by Lloyd, seconded by Alexander, and unanimously carried, with the following roll call vote: Alexander-aye, Carlson-aye, and Lloyd-aye, with Manderscheid excused, the Council moved to waive the water and sewer fees, and only charge for electric usage on the Historical Museum.

RFP FOR CITY ENGINEER

City Attorney Kerry McMurray reported to the Council the information he provided is the Scope of Work portion of the RFP. McMurray reported the City will hire a City Engineer based on qualifications, working on Roads, Water Systems, Sewer Systems, and Electrical Systems. McMurray reported some Engineers prefer to be on a Retainer, and others prefer an Hourly Rate, this will be negotiated when an Engineer is hired.

McMurray asked the Council if they want him to go forward with the RFP, to which the Council agreed to accept the Scope of Work portion of the RFP, and asked McMurray to go forward with the remainder of the RFP.

LMI SURVEY – GEORGIA DIMICK

Mayor Isaac Loveland reported to the Council the Letter, to send to the residents of the City, has been finalized, and will be sent out soon. The LMI Survey will be sent with a self-addressed, stamped envelope that will be returned to Region IV Rural Development. The LMI Survey will help the City get Grants for improvements within the City. A ninety percent (90%) return of the Surveys is required. If the City does not have that high of a return percentage, the Surveys can be taken door-to-door, and again a self-addressed, stamped envelope will be provided.

Georgia Dimick reported the LMI Survey is a Low to Moderate Income Survey, and it is completely anonymous. The City will not see the Surveys, they will only be given the

results of the Survey by Region IV Rural Development. The Survey asks how many people live in your household, how many are male, and how many are female, and has a list of Income ranges to choose from.

FLASHING SPEED SIGNS

Mayor Isaac Loveland reported to the Council he has checked on the cost of Flashing Speed Signs, and they are costly. The Mayor reported most of the Flashing Speed Signs he found are from two thousand dollars (\$2,000) to four thousand dollars (\$4,000). They are solar powered, with a back-up battery, and are easy to move around. They can be mounted on a trailer or pickup hitch.

Troy Mortensen suggested putting temporary speed bumps along the highway, to slow people down.

Mayor Isaac Loveland reported he is not sure the City can do this, as the highway is a State highway. The Mayor reported he will ask about this.

CITY FIRE HYDRANTS

Councilperson Dallan Doc Carlson reported to the Council he checked all the Fire Hydrants in town, and there is a total of forty-six (46) Hydrants. Carlson reported nine (9) Hydrants are not working, and out of the nine (9) three (3) can be fixed, the other six (6) need replaced. Carlson reported the Fire Department is going to flush out all the Hydrants, and get pressures on them. Carlson reported to the Council he is trying to find someone who works on Fire Hydrants.

The question was asked, shouldn't the Fire Department take care of the Fire Hydrants, to which Carlson told the Council he will check on this.

ROSE GARDEN

Mayor Isaac Loveland reported to the Council the Rose Garden is a maintenance nightmare, and asked the Council what more they want to do with this area?

Councilperson Kevin Lloyd reported we need to minimize the upkeep of the Rose Garden.

Mary Lynne Bristol reported to the Council the 4-Leaf Clover Club gave Pat Butz money back that was in the Rose Garden Fund, and asked if Pat has given the City any money for the Rose Garden upkeep, to which it was reported No, the City has not received any money for the Rose Garden upkeep.

Troy Mortensen reported something needs to be done, maybe the plants need to be taken out, and start over with new plants.

Mayor Isaac Loveland reported we need to respect her family, but it is hard to get help keeping the Rose Garden looking nice.

It was suggested putting together a Committee to take care of the Rose Garden, to which Councilperson Kevin Lloyd reported this is a wise idea, and he would be willing to take this on.

City Attorney Kerry McMurray reported the names of the Committee Members need to be approved by the Council.

ROAD REPAIRS

Councilperson Dallan Doc Carlson reported to the Council he received a Map of the Roads in town. Carlson reported he can now contact John Kloepfer, to give the City Quotes on paving the Roads.

It was suggested getting two (2) Quotes for S. Main St., one (1) for paving the whole Road, and one (1) for paving from Kelley's house to the Stop Sign.

City Attorney Kerry McMurray reported if the total cost of the Project is less than fifty thousand dollars (\$50,000), two (2) Bids are required, if the Project is fifty thousand dollars (\$50,000) to one hundred thousand dollars (\$100,000), three (3) Quotes are required.

Councilperson Dallan Doc Carlson reported he has the following Roads on his List: S. Main St., Harper, Whitman St., West St., North St., and Market St. to the School.

Carlson asked if the Council is still considering Hot Mix for Whitman St., to which the Council replied they are not sure. It was suggested maybe putting Whitman St. back to dirt or gravel. The section of Whitman St. being discussed is the small portion on the southside of Piggy-Sue-BBQ.

Councilperson Dallan Doc Carlson reported to the Council he is looking into a larger culvert for the corner of West St. and Whitman St. Carlson reported he feels it would be best to look into this further when the ditch is dry. Carlson asked if this would need to be Engineered, to which Ivan McCracken, from J-U-B Engineers reported that would be best.

Ivan McCracken, from J-U-B Engineers related a story to the Council about a similar situation. McCracken reported the Twin Falls Highway District wanted to take a whoop-to-do out of a road, and decided that putting in two (2) larger culverts would solve the problem. It did not help, in fact, it caused a nearby house to flood. The owners sued the Highway District, and won. The Twin Falls Highway District ended up paying out a large amount. The Highway District thought they would save money by not having the Project Engineered, but ended up paying more in the long run. McCracken told the Council it is best to have Projects like these Engineered, as it is a safety net for the City.

Councilperson Dallan Doc Carlson reported he is still checking into Bulk Hot Mix.

Ivan McCracken suggested checking into Bulk Cold Mix, as it is half the cost of Hot Mix.

NET METERING AGREEMENTS

Mayor Isaac Loveland reported to the Council the City has received two (2) signed Net Metering Agreements that need to be reviewed. The Mayor reported he does not have the Agreements with his Council Papers. The Mayor told the Council he will be sure to bring the Net Metering Agreements to the July Council Meeting.

City Attorney Kerry McMurray reported to the Council an Engineering Study needs to be done, before the Net Metering Agreements can be approved by the Council. The Clerk was asked to include this item on the July Agenda.

CONNECTION FEES

Mayor Isaac Loveland reported to the Council he had Bryan order some Water Meters to have in stock, and the cost, for materials only, for a new Water Hook-Up is fifteen hundred dollars (\$1,500). The City is currently charging eight hundred dollars (\$800) for a new Water Hook-Up. The Mayor suggested raising the Water Hook-Up Fee to fifteen hundred dollars (\$1,500), in order to cover the cost of materials.

Councilperson Kevin Lloyd reported he agrees with the Mayor, we need to at least cover the cost of materials.

City Attorney Kerry McMurray reported to the Council raising the Water Hook-Up Fee to fifteen hundred dollars (\$1,500) is over five percent (5%), and requires a Public Hearing. The Council agreed a Public Hearing for Increased Water Hook-Up Fees will be held at the July Council Meeting.

INFORMATION FROM CITY OFFICIALS

Mayor Isaac Loveland reported to the Council he would like to implement a City Permit or Preliminary Permit to be issued before the County issues Building Permits. The Mayor reported Bryan would check measurements, according to the Ordinance, and if everything meets the requirements, the City would issue a Preliminary Permit. The Preliminary Permit would be taken to the County, who then can issue a Building Permit. The Mayor reported he feels this would eliminate problems, like Bakers home, in the future.

City Attorney Kerry McMurray reported the City needs to send a Letter to the County, stating what the City wants to do before a Building Permit is issued by the County.

Councilperson Kevin Lloyd reported to the Council he checked out the Lot by Well #2, and he feels the City should make some improvements at the Lot, such as a picnic table and maybe a bench, and establish the area as a Park. Lloyd reported he is excited to have two (2) Parks in Albion.

Councilperson Kevin Lloyd reported the City needs to put the four (4) acres around the Shop to use. Lloyd suggested putting in a pond, in order to better use the City's Water Rights.

Council President Zack Alexander reported the City could use the pond for a low-pressure Water System, for irrigation in the City.

Troy Mortensen told the Council they need to talk to Kay Powell about this.

Councilperson Dallan Doc Carlson reported he wants to clarify what Quotes to get. Carlson asked if two (2) Quotes are wanted, one (1) for Repaving, and one (1) for an Overlay, to which the Council replied Yes.

Council President Zack Alexander reported the Weeds are a real problem all over town, and they need to be addressed. A Letter needs to be sent to the property owners, and if they do nothing within the time frame allowed, then the City will take care of the weeds and Bill the property owners. Alexander reported the thistle and tanzi needs to be taken care of now. Alexander asked Bryan to get a List to the City Office, so Letters can be sent out.

It was suggested Alexander check with Michael Ottley, from the County Weed Control Department, about spraying the thistle and tanzi.

Mayor Isaac Loveland reported the City was not high enough on the List to receive USDA Grant Funds. The Mayor reported Keller Associates applied for the Funding on behalf of the City. The Mayor suggested the City camera the Sewer Lines in the Fall, as this will help us know what Funding to apply for next time.

Bryan Day, from the Maintenance Department, reported he is meeting with the Department of Environmental Quality (DEQ) on Thursday, for an Inspection of the Lagoons.

BUSINESS ITEM

2019-2020 BUDGET WORKSHOP

Mayor Isaac Loveland and the Council reviewed the proposed 2019-2020 Budget. After a brief discussion, the following changes, to the proposed 2019-2020 Budget, were suggested. The Expenditures Grant Line item was decreased to forty thousand dollars (\$40,000), and the Revenue Grant line item was decreased to forty thousand dollars (\$40,000). The Electrical Revenue line item was decreased to three hundred thousand dollars, (\$300,000), and the Revenue Interest Income line item was increased by ten thousand dollars (\$10,000). The Mayor asked the Council to bring any further changes to the proposed 2019-2020 Budget to the July Council Meeting.

PRESENTATION OF BILLS

Mayor and Council Salaries *	1550.00
Salaries – Clerk *	2756.82
Deric Bell – Deputy Clerk *	706.14
Bryan Day – Maintenance Department *	3384.00
Ravyn Pawson – Maintenance Department *	1248.50
PERSI – Employer Remittance (05/16-05/31/19) *	1150.19
DL Evans Bank – EFTPS 941 Employer Remittance ((May 19) *	2217.38
PERSI – Employer Remittance (06/01-06/15/19) *	776.20

SelectHealth – Insurance (July 2019) *	1471.00
Local Highway Technical Assistance Council – T-2 Classes *	120.00
Postmaster – Annual Box Rent *	76.00
Raft River Electric – Water Tank-45.44/Service Work-332.43 *	377.87
Southern Idaho Solid Waste – May 2019 Garbage Fee *	10.00
Ace Hardware – Maintenance Supplies	141.24
ATC Communication – Phone, Fax, Internet, & Lift Station	475.88
Aztec Excavation Inc. – 60 yds. Crushed Rock/Pit Mix Delivered	1260.00
Bonneville Power Administration – Transmission/Power (May 19)	9937.00
Catmull Plumbing, Inc. – Repaired Park Bathroom	192.92
Creekside Store – Maintenance Fuel (June 19)	356.76
Greenlon, Inc. – Lawn Fertilizer/Spray Trees/Shrubs/Spiders	555.00
Isaac Loveland – Reimbursement for Website Fee	164.00
Kerry McMurray – Legal Services (June 19)	1164.50
Lamont Young – Back-Up Operator Fee (June 19)	150.00
Lyndsie Chatburn – Utility Deposit Refund/After Final Billing	40.00
Magic Valley Labs – Water Test/	18.00
Metropolitan Compounds, Inc. – Triple Threat	285.42
Southern Idaho Tourism – City Investment 2019	150.00
Stukenholtz Laboratory, Inc – Feed Test	56.00
Terry Van Wagoner – Utility Deposit Refund/After Final Billing	111.44
The Book Store & Office Supply, Inc. – Office Supplies	187.14
UAMPS – General A&G Expenses	50.60
VISA - #1475 M. Yeaman June 19 Stmt.	<u>930.44</u>


TOTAL

\$32,070.44

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 roll call vote: Alexander-aye, Carlson-aye, and Lloyd-aye, with Manderscheid excused. Adjournment was at 9:56 p.m.


Isaac Loveland, Mayor


Mary Yeaman, City Clerk-Treasurer