ALBION CITY COUNCIL MEETING MINUTES SEPTEMBER 3, 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 Councilperson Dallan Doc Carlson.

ROLL CALL – Present: Mayor Isaac Loveland, Councilpersons Dallan Doc Carlson, Kevin Lloyd, and Chad Manderscheid, City Clerk-Treasurer Mary Yeaman, City Attorney Kerry McMurray, and Maintenance Department Bryan Day.

Council President Zack Alexander was excused.

OTHERS IN ATTENDANCE – Bunny Johnson, Jan Johnson, Ivan McCracken, Myron Wilson, Heather Heilson, Brent and Kathy Wickel, John and Anna Marie Davis, Mark and Janae Robinson, Kayvon Shirzad, Mary Lynne Bristol, Matthew Hill, Tyler Pratt, Troy Mortensen, Bob Johnson, Shyane Hutchison, Susanne Manderscheid, Adelmo Maestas, Rosalee Manderscheid, John Burrows, Teri Williams, Pat and Lisa Field, Bruce Bristol, and one other couple, I did not get their names.

APPROVAL OF MINUTES – Upon motion made by Lloyd, seconded by Manderscheid, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to approve the August 6, 2019 Council Meeting Minutes as presented.

APPROVAL OF BILLS – Upon motion made by Lloyd, seconded by Carlson, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to approve payment of the Bills as presented, with the addition of the Piggy Sue Bar-B-Que Invoice.

LAW ENFORCEMENT REPORT – Resident Deputy Jason Lynch was unable to attend tonight's meeting, but he provided his Reports for July and August. Mayor Isaac Loveland read the Reports. The July Report included six (6) Traffic Stops, which resulted in four (4) Verbal Warnings, and two (2) Citations. Also reported one (1) Theft of Service Defraud Innkeeper, one (1) Damage to Property Under one thousand dollars (\$1,000), one (1) Person Check, one (1) Animal Complaint, one (1) Minor accident, five (5) 911 Hang Up Open Line/Prank Calls, two (2) Follow Ups, one (1) Welfare check, and four (4) Civil Papers Served. The August Report included ten (10) Traffic Stops, which resulted in five (5) Verbal Warnings, and five (5) Citations. Also reported one (1) Child Abuse, one (1) Traffic – All Other, one (1) Animal Complaint, one (1) 911 Hang Up Open Line/Prank Call, three (3) follow Ups, one (1) Business check, one (1) Suspicious Person, one (1) Juvenile Incident, one (1) Welfare Check, one (1) Test Call, two (2) VIN Inspections, and one (1) With Probation and Parole.

ANIMAL CONTROL REPORT – Bryan Day, from the Maintenance Department, reported he received several complaints about skunks. Day reported he caught five (5) skunks and three (3) cats with the traps.

GENERAL PUBLIC COMMENTS - 10 MINUTES TOTAL

The general tenor of the comments made is as follows: Troy Mortensen suggested talking to the Law Enforcement Officers about changing their locations, in order to catch more speeders. A comment was made about the new Law Enforcement Officer being less lenient.

BUSINESS ITEMS

PUBLIC HEARING – NEW FEE FOR CITY INSPECTIONS RELATED TO BUILDING PERMIT APPROVALS

Mayor Isaac Loveland opened the Public Hearing for the New Fee for City Inspections Related to Building Permit Approvals. The Mayor asked those wishing to make comments, to please come to the Podium, and State your Name and Address for the record.

Myron Wilson, 149 W. Central Avenue, asked if that one hundred dollars (\$100) Fee is part of what the County is doing, or is it an extra Fee, to which Mayor Isaac Loveland reported it is an extra Fee because the City has received zero dollars from the County. Wilson reported he is for the homeowner on this. Everywhere else we have done building the City gets part of the Fee from the County. I am also concerned about Bryan having enough to do without running around checking on building projects. Wilson reported the City needs to ask Dave, the Building Inspector, to check the building projects as part of his job, right Mr. McMurray.

City Attorney Kerry McMurray reported Dave will do his job, this Fee is for checking other things the City is interested in.

Myron Wilson reported his concern is that the City is doubling up on Fees, and it is expensive enough to build a home. The City just raised the Water Hook-Up Fee by seven hundred dollars (\$700), and now you are adding another one hundred dollars (\$100) to the cost. I do not think this is the right thing to do. Wilson reported he just put in a Water Line in Burley, and we had to cross the road, and the owner had to pay for this, but I took care of it. The City of Burley did nothing but tap into the Line on the side of the property. Other Cities have figured this out by saying they will put the Lines here, and anything further is the responsibility of the property owner. I think this is more equitable for the property owner. Other Cities work with home owners, and we should not add more work for Bryan.

Mayor Isaac Loveland thanked Wilson for his comments, and asked the Council if they had any questions for him, there were none. The Mayor asked the Council if they had ay further Comments, to which councilperson Chad Manderscheid reported, he appreciates the comments made, but we were blindsided by the previous situation, and we want to prevent this from happening again in the future.

Myron Wilson told the Council Linda Hutchison bought the lot next to Troy's house on Whitman, and the lot encroaches almost to the trailer house. The stakes in the back are out in the field, that is owned by Skaggs, I think. She wants to build a house, and the owner of the trailer house is not crazy about the idea. The whole place is screwed up, no property lines are correct. Bryan would not know this, he is not a surveyor, and the only way we knew about it is, we had a surveyor come and survey the property. If you want to require a survey, I would agree with that. Dave can walk this off, by the stakes, and say yeah or nay. I have been building since I was eighteen (18) years old, for about fifty-six (56) years, and these problems are already taken care of by the Building Inspector. The employees just need to do their job. Wilson reported Troy is worried about speeders, but I saw three (3) people pulled over, and people do speed through Albion, but if the cops do their job, people will slow down.

Mayor Isaac Loveland reminded Wilson he is off the subject of the Hearing, to which Wilson agreed.

Myron Wilson reported we have things in place, let's use them.

Mayor Isaac Loveland reported he agrees, but the City signs off on the Permit without knowing all things have been done. The Mayor reported we want to make sure all steps are completed, and we want it verified.

Councilperson Kevin Lloyd reported the City needs to make sure everything is done correctly. Lloyd reported if the City requires something being torn down, I want to make sure we, the City, knows if any steps were missed.

Myron Wilson told the Council you wiped that all out, at a previous meeting, when you said yes. You set the precedence.

Troy Mortensen, 214 Water Tower Circle, reported he is building a bunch of houses in Middleton right now, and building in Albion is cheap. Review Fees, and more Review Fees gets expensive. A one hundred dollar (\$100) Fee is nothing compared to other places, it is well worth the extra one hundred dollar (\$100) Fee.

Mayor Isaac Loveland asked for a decision from the Council, to which Councilperson Lloyd reported he wants to avoid future problems.

Upon motion made by Lloyd, seconded by Carlson, and unanimously carried, with the following roll call vote: Carson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to approve the one hundred dollar (\$100) Fee for Inspections as presented.

ORDINANCE NO. 2019-09-01 ANNUAL APPROPRIATION ORDINANCE

City Attorney Kerry McMurray presented Ordinance No. 2019-09-01 to the Council for approval and adoption. City Attorney McMurray read the Header of Ordinance No. 2019-09-01 AN ORDINANCE TERMED THE ANNUAL APPROPRIATION ORDIANCE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; MAKING APPROPRIATION OF CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY GENERAL EXPENSES OF CONDUCTING THE BUSINESS OF THE CITY OF ALBION; LEVYING A DIRECT TAX UPON ALL THE TAXABLE PROPERTY WITHIN THE LIMITS OF THE CITY OF ALBION FOR THE PURPOSE OF PROVIDING THE NECESSARY MONEY FOR THE GENERAL FUND; PROVIDING FOR THE DELIVERY OF A TRUE AND CORRECT COPY OF THIS

ORDINANCE TO THE SECRETARY OF STATE FOR FILING; PROVIDING FOR THE APPROPRIATION OF ALL MONEY COMING INTO THE CITY TREASURY; PROVIDING FOR PAYMENT OF TAXES SO COLLECTED UP TO \$29,199.00 IN THE GENERAL FUND; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE. Upon motion made by Carlson, seconded by Lloyd, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to waive the three (3) Readings of Ordinance No. 2019-09-01 Annual Appropriation Ordinance.

City Attorney Kerry McMurray reported to the Council Ordinance No. 2019-09-01 Annual Appropriation Ordinance will be effective once it is published. Upon motion made by Lloyd, seconded by Manderscheid, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to approve and adopt Ordinance No. 2019-0 01 AN ORDINANCE TERMED THE ANNUAL APPROPRIATION ORDINANCE FOR

Alexander excused, the Council moved to approve and adopt Ordinance No. 2019-09-01 AN ORDINANCE TERMED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR COMMENCING OCTOBER 1, 2019, AND ENDING SEPTEMBER 30, 2020; MAKING APPROPRIATION OF CERTAIN SUMS OF MONEY TO DEFRAY THE NECESSARY GENERAL EXPENSES OF CODUCTING THE BUSINESS OF THE CITY OF ALBION; LEVYING A DIRECT TAX UPON ALL THE TAXABLE PROPERTY WITHIN THE LIMITS OF THE CITY OF ALBION FOR THE PURPOSE OF PROVIDING THE NECESSARY MONEY FOR THE GENERAL FUND; PROVIDING FOR THE DELIVERY OF A TRUE AND CORRECT COPY OF THIS ORDINANCE TO THE SECRETARY OF STATE FOR FILING; PROVIDING FOR THE APPROPRIATION OF ALL MONEY COMING INTO THE CITY TREASURY; PROVIDING FOR PAYMENT OF TAXES SO COLLECTED UP TO \$29,199.00 IN THE GENERAL FUND; AND FIXING THE EFFECTIVE DATE OF THE ORDINANCE as presented.

RESOLUTION NO. 2019-03 WATER HOOK-UP FEE INCREASE

City Attorney Kerry McMurray presented Resolution No. 2019-03 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBION, IDAHO INCREASING WATER METER CONNECTION FEES FOR THE CITY PUBLIC WATER SYSTEM TO ONE THOUSAND FIVE HUNDRED DOLLARS, IN ACCORDANCE WITH ALBION CITY CODE, FOLLOWING PUBLIC HEARING, WHICH ADOPTED FEES EXCEED CURRENT FEES BY FIVE PERCENT OR MORE; AND PROVIDING AN EFFECTIVE DATE to the Council for their approval.

Upon motion made by Lloyd, seconded by Manderscheid, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to approve Resolution No. 2019-03. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALBION, IDAHO INCREASING WATER METER CONNECTION FEES FOR THE CITY PUBLIC WATER SYSTEM TO ONE THOUSAND FIVE HUNDRED DOLLARS, IN ACCORDANCE WITH ALBION CITY CODE, FOLLOWING PUBLIC HEARING, WHICH ADOPTED FEES EXCEED CURRENT FEES BY FIVE PERCENT OR MORE; AND PROVIDING FOR AN EFFECTIVE DATE as presented.

CITY ENGINEER SELECTION FROM RFP'S

Mayor Isaac Loveland reported the City received four (4) RFP's from Engineering Firms. The Mayor reported each RFP was reviewed, and ranked by each Committee Member. The Committee Members were Mayor Isaac Loveland, Councilperson Kevin Lloyd, Councilperson Chad Manderscheid, Bryan Day, from the Maintenance Department, and City Clerk Mary Yeaman. The Mayor reported he tallied the Ranking Sheets received from each Committee Member, and reported the following results: Keller Associates was ranked 1st, J-U-B Engineering was ranked 2nd, TD&H Engineers was ranked 3rd, and Paragon Consulting was ranked 4th. The Ranking was based on five (5) areas, Experience and qualifications, no conflicts 30%, Past performance and references 20%, Understanding the City's needs 20%, Location of firm and staff assigned to this project 15%, and Overall ability to execute services 15%.

Upon motion made by Lloyd, seconded by Manderscheid, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to accept the RFP Committee Rankings as presented.

Mayor Isaac Loveland reported that He and the Council will meet with the Engineering Firms, in the order Ranked, to negotiate terms.

AUTOMATION WORX - NICK

Nick, from Automation Worx was not present at the Meeting, therefore, no discussion was held.

ANNEXATIONS

Councilperson Kevin Lloyd reported to the Council he is concerned about future Annexations. Lloyd reported since the Electric Fund helps run the City, if the City should Annex more property into the City Limits, no Electric Revenue would be gained. Lloyd suggested not allowing more Annexation, as this does not benefit the City. Lloyd reported he has tried to figure out what would be best for the City to do, and he reported the City could charge the Developer a Fee for developing Annexed property. Lloyd reported the City could implement an Impact Fee per household, that might help. Mayor Isaac Loveland reported he attended a Mayor's Meeting, and for most Cities the tax base does not pay for much. User Fees are essential to the City. that leaves us in a dilemma. Those already here would end up paying more for new annexations. We, as a City, don't want to pay for everyone.

Troy Mortensen asked how much tax base the City receives, to which City Attorney Kerry McMurray reported, the City is a separate Taxing District.

Ivan McCracken reported the Tax Base is divided between three (3) categories, which are Residential, Commercial, and Industrial. Commercial and Industrial are three to four (3 to 4) times more than Residential. Levy is based on installation.

Councilperson Kevin Lloyd reported he appreciates tonight's discussion, and reported he just brought this issue up as food for thought.

WATER USER ISSUES - TROY MORTENSEN

Troy Mortensen reported to the Council some Surface Water Use Issues have come up again this year. Mortensen reported some users held a Meeting last week to discuss the issues. Those attending the Meeting were Troy Mortensen, Caleb Parish, Nate Warren, and Isaac Loveland. Brent Wckel was unable to attend. Mortensen reported the Water Users want to keep things simple, and they feel they can take care of this issue. They would check the ditch, and get on a rotation amongst themselves. Mortensen reported the Users would like to put together a Water Committee or a City Ditch Association. Brent Wickel reported to the Council he is all for a smooth transition, this would make things more convenient and should curb any controversy.

Troy Mortensen told the Council the Water Users can work this out. Mortensen reported some ditches are not maintained, but we can do this also. The Users should be able to use the water when needed.

Upon motion made by Carlson, seconded by Lloyd, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to take Bryan Day, from the Maintenance Department, out of the middle of the Water Users.

SPRINKLER SYSTEM FOR THE PARK

Mayor Isaac Loveland reported to the Council he would still like to put a Sprinkler System in the Park, and asked the Council for their opinion on the issue. The Council agreed with the Mayor, and told the Mayor to get Quotes for installing a Sprinkler System in the Park for next year.

Troy Mortensen reported to the Council he agrees with Myron Wilson on extensions of lines, the property owner should pay for this.

MAINTENANCE SUPPLIES PURCHASE REQUEST

Bryan Day, from the Maintenance Department, reported to the Council he has a List of Maintenance Supplies he would like approval to purchase. The List consists of four (4) Backhoe Tires for one thousand seven hundred thirty-three dollars, (\$1,733), two (2) 4-Wheeler Tires for three hundred eighty-eight dollars and eighty-two cents (\$388.82), Fire Hydrant Reflective Paint for one thousand dollars (\$1,000), Flow Tester for five hundred thirty-eight dollars (\$538), a Diffuser for sixty-nine dollars and fifty cents (\$69.50), and a Gauge for one hundred fifty-nine dollars and ninety-five cents (\$159.95), a Chlorine Pump for five hundred sixty dollars (\$560), a De-Gasser for one hundred sixty-five dollars (\$165), all for Well #3, and a Portable Generator for seven hundred fifty dollars (\$750).

Councilperson Dallan Doc Carlson asked Bryan to get a price on Matte Paint for the Fire Hydrants.

Upon motion made by Lloyd, seconded by Manderscheid, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to approve Bryan Day, from the Maintenance Department, spending up to ten thousand dollars (\$10,000) for requested Maintenance Supplies by prioritizing the List for Fre Hydrants and Well #3.

RATE CHARGE REQUEST - STEVE DOUDY

Steve Doudy was not present at the Meeting, therefore, no discussion was held.

CELL TOWER INSTALLATION - KAYVON SHIRZAD

Kayvon Shirzad started out by giving a brief history of his family heritage, and reported he has worked as an IT Tech and with WIFI for years. Shirzad reported to those present, you ought to educate yourselves, this is a serious issue. Several States already have banned 5G Cell Towers, because of the health risks they present. You need to watch the U-Tube Videos, they will help educate you.

Mayor Isaac Loveland reported the proposed Cell Tower is not a 5G Tower, it is for a First Net-Emergency Broadcast System, and a Permit is required for each Tower. Kayvon Shirzad went on to say, the Notices mailed out looked like junk mail, and only seven (7) Notices were sent out. Shirzad reported the Tower hardware is made in China, and this stuff is killing people. I am glad the residents of Albion are interested in this, we do not want the Tower in our valley. The Tower is ugly to look at, it will lower property values, and cause serious health issues. This needs to be taken seriously. Shirzad reported a Public Hearing is being held on Thursday, September 19, 2019 at three o'clock (3:00) at the Commissioners Meeting room at the Courthouse in Burley. Mayor Isaac Loveland reported we need to ask ourselves what is the benefit to our valley, do we need this? Mayor Loveland reported it is my opinion, No, we do not need this, it is not beneficial for our valley.

Troy Mortensen reported hopefully people will attend the Pubic Hearing, and make their voice heard. It comes down to the property owners, the property value goes down, and the noise increases. We do not want this for our valley.

Teri Williams reported the Tower will interfere with the Historical Nature of our Community, and it will hurt us economically. Williams reported you can't fight this under the health issue, you need something more, I suggest using the Historical value of our area. Williams suggested the Council draft their own Emergency Ordinance. City Attorney Kerry McMurray reported the County Commissioners will hear the evidence on the 19th, and they will make a decision based on that evidence. Bob Johnson, 632 Pierce St., AT&T went to Banners for the property to locate the Tower. If you look at the area a lot of scenic importance will be affected, especially within a one (1) mile radius. Actually, this affects us all. Johnson reported we need to protect our valley, if one (1) Tower is allowed, how many more will eventually appear? We need to fight this, we do not want these Towers here, let's keep our valley the way it is, peaceful and beautiful.

Teri Williams reported she would like the City to put together a Resolution to protect the City.

Councilperson Kevin Lloyd reported it is important to preserve our Historical Value, and our Property Value.

Pat Field asked City Attorney Kerry McMurray for his opinion, to which Attorney McMurray reported, I am neutral, I am not part of the decision-making process. John Burrows reported He knows what it is like to have your auto-immune system disrupted, we do not want this Tower here in our valley.

It was suggested the Council draft a Letter to the County Commissioners, letting them know what the citizens of Albion really want, and how much they are against this Tower. Mayor Isaac Loveland reported it is good to see how everyone has come together on this issue.

Upon motion made by Manderscheid, seconded by Lloyd, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused, the Council moved to draft a Letter for the County Commissioners, from the City 's Governing Board, urging the Commissioners to vote against the installation of a Cell Tower within the Albion valley.

INFORMATION FROM CITY OFFICIALS

Mayor Isaac Loveland reported to the Council the LMI Surveys and Envelopes are ready to take door-to-door. We will need some volunteers to take the Surveys around. There is also a List of Residents that need to receive the Surveys.

City Clerk Mary Yeaman reported there are two (2) scheduled Power Outage on Tuesday, September 17, 2019 from 8:00 a.m. to 4:00 p.m. and again on Tuesday, October 29, 2019 from 8:00 a.m. to 4:00 p.m.

City Clerk Mary Yeaman reported the Fire File and Filing Cabinet are ready to pick up from the Book Store in Rupert. The Clerk asked Bryan Day, from the Maintenance Department, if he could pick them up, to which Bryan reported he will need some help, but he will pick them up.

PRESENTATION OF BILLS

Mayor and Council Salaries *	1550.00
Salaries – Clerk *	2756.82
Deric Bell – Deputy Clerk *	685.14
Bryan Day - Maintenance Department *	3312.00
Ravyn Pawson – Maintenance Department *	2142.25
PERSI – Employer Remittance (08/16-08/31/19) *	1165.27
DL Evans Bank - EFTPS 941 Employer Remittance (Aug. 19) *	2207.68
PERSI – Employer Remittance (09/01-09/15/19) *	786.90
Raft River Electric - Water Tank-125.87/Service Work-5654.50 *	5780.17
SelectHealth - Insurance (October 2019) *	1412.00
Gem State Dairy Supply - Chlorine *	300.00
Association of Idaho Cities - Membership Dues FY 2020 *	400.00
ICRMP – 1st Half Annual Premium FY 2019-2020 *	4537.50

IDEQ – Annual Assessment FY 2020 *	735.00
IRWA – Membership Dues FY 2019-2020 *	355.00
A.M.I. Supply Inc. – Shop Tool	580.00
Ace Hardware – Maintenance Supplies	72.33
ATC Communications - Phone, Fax, Internet, & Lift Station	477.84
Bonneville Power Administration – Transmission/Power (Aug.19)	
Butte Irrigation Inc. – Flow Meter/Pipe/Welding	1682.18
Carquest of Burley – Shop Tools/Vehicle Maintenance	247.83
Creekside Store – Maintenance Fuel (Sept. 2019)	334.99
Ferguson Waterworks – Maintenance Supplies	16141.81
Isaac Loveland – Reimburse for Fire Hydrant Paint	175.88
K&R Rental – Jumping Jack Compactor	84.00
Kerry McMurray – Legal Services (Sept. 2019)	1555.50
Lamont Young – Back-Up Operator Fee (Sept. 2019)	150.00
Magic Valley Labs – Water/Lead & Copper Tests	208.00
Pro Paint, Inc. – Fire Hydrant Paint	225.16
Road Work Ahead – Safety Cones, Barricade, & Signs	1088.50
Southern Idaho Solid Waste – Garbage Fee	28.00
Stukenholtz Laboratory, Inc Feed Test Data	56.00
Tires Les Schwab – Backhoe Tires	1723.38
The Book Store & Office Supply- Fire File/Cabinet Difference	1023.84
The Times News – 2019-2020 Budget Hearing Notice	276.14
UAMPS – General A&G Expenses	50.60
USABlueBook – Flow Testing Diffuser Kit	580.24
VISA - #1475 M. Yeaman Sept. 2019 Stmt.	470.86
VISA - #3522 B. Day Sept. 2019 Stmt.	789.00
Young Powersports – 4 Wheeler Tires/Parts	429.62

TOTAL \$66,797.43

COUNCIL ADJOURNS

There being no further business brought before the Council, motion to adjourn was made by Lloyd, seconded by Manderscheid, and unanimously carried, with the following roll call vote: Carlson-aye, Lloyd-aye, and Manderscheid-aye, with Alexander excused. Adjournment was at 9:24 p.m.

Isaac Loveland, Mayor

Mary Yeaman, City Clerk-Treasurer