



Minutes of the Albion City Council Meeting Held September 5, 2023

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

OPENING CEREMONIES – The Pledge of Allegiance was led by Councilperson Tyson Tolman

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

OTHERS IN ATTENDANCE – Earl Warthen, John Davis, Jan Johnson, Tony and Giselle Prescott, Lance Holman, Linda Prefontaine, Pat Field and Mark Catmull

APPROVAL OF MINUTES- Upon motion made by Carlson & seconded by Winder, and unanimously carried with the following vote: Lloyd-aye, Carlson-aye, Winder-aye and Tolman-aye, the Council moved to approve the Minutes of the August 1, 2023, City Council Meeting.

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

LAW ENFORCEMENT REPORT

Senior Deputy Allred apologized for missing last month's meeting and presented reports for July and August. **July** – One (1) Damage to Property Over \$1000, Two (2) Alarms, Five (5) Traffic Stops – No Citations Issued, Five (5) 911 Hang Up/Open Line/Prank Calls, One (1) Dog – Vicious, One (1) Public Relations, and Two (2) Cows Out. **August** – One (1) Fire Alarm, Two (2) Traffic Stops – No Citations Issued, One (1) 911 Hang Up/Open Line/Prank Calls, One (1) Business Check, One (1) Welfare Check, One (1) Fish and Game Violation, One (1) Civil Paper Service, One (1) SRO Call, and One (1) VIN Inspection. Allred noted that recent traffic stops have indicated confusion on the speed limit change from 35 MPH to 25 MPH on the south entrance to the City on Highway 77. He asked the City to see if there are any options to make this change more visible. Mayor Loveland noted that the signage belongs to Idaho Transportation Department and any changes must be made through them. Maintenance Director Woodrow said he would contact Tony Rigby with ITD to inquire about options.

MAINTENANCE DIRECTOR REPORT

Maintenance Director Woodrow reported that he is working with DEQ on the City's Land APP program. He stated that he had received positive feedback on a recent site visit with them. Woodrow also reported that 4 Seasons is currently digging in the park to locate the water line to connect the sprinkler system correctly. He stated that potholes continue to be a big concern and he is working on patching what he can, but he is currently waiting to get more cold-patch. Woodrow shared that the City has recently submitted a grant application to ITD for road rehab projects and that we should have the results soon. There were no animal control issues to report.

CLERKS REPORT

Deputy Clerk Bell reported that he had received an inquiry about lighting updates at the City Library. The question was asked about whose responsibility it was to pay for the updates as the City owns the building. He asked them to think about it for a future time. Bell reported that he is working with the Mayor and ICRMP to set up some 1st Amendment training that has been made available. He will be sending out an email with a link to register with ICRMP so that we can take advantage of this training to protect ourselves. Bell stated that AutoPay beta testing is underway and there will be a small group of residents that will try it out on the next billing cycle and after that the program will go fully live. Bell reported that ATC Communications has been paying for the water for the lot they allow citizens to use for the Community Garden. He asked the Council for permission to draft a letter on their behalf to thank them for their contribution to the community. Bell said, after talking to the Mayor, that perhaps it could be presented to Council to waive water charges on that account. Council President Lloyd asked that it be put on next month's agenda so that a decision can be made.

GENERAL PUBLIC COMMENTS/ CITIZEN'S ISSUES

Earl Warthen – Mr. Warthen reported that he had recently attended the Governor’s Water Summit in Boise. He stated that there was a lot of information shared, but one area of concern to him was a recent decision that was made for the addition of approx. 10,000 homes to be put in the Eagle area. This decision was made after other applications for water and fire suppression had turned down the application previously. He feels that it is important that we pay attention to this because it could set a dangerous precedent. **Mark Catmull** – Mr. Catmull proposed putting on a community movie night to be held in the City Park on September 16th. The plan is to show the movie Old Yeller if the Council approves. A Council member asked about the equipment for the event and Catmull stated that they have obtained a commercial grade projector, large screen, and good sound system. The Mayor and Council felt that this was an appropriate use of the park and had no issues with the proposal. Catmull stated that there would be free popcorn and all you need to do is bring your lawn chairs and come. **Pat Field** – Mr. Field was present to promote an event being held by the Mini-Cassia Republicans. The “Top Shot Classic” fundraiser will be held on September 23rd at the Rupert Outdoor Shooting Complex. He stated that there would be special firearm giveaways. The proceeds of this fundraiser will be used to provide scholarship monies to local area students and would be awarded based on civic knowledge. Field also reported that they are trying to promote the Page program in the Idaho State Senate and youth interested can seek a recommendation from Doug Pickett, Clay Handy or Kelly Anthon. He passed out flyers to the Council and said he would be getting more of them and would distribute them around the community. As an aside, Field noted that he had also attended the Governor’s Water Summit and shared the same concerns as Mr. Warthen regarding the Eagle homes. He recommended that the Council and community watch closely and stay informed.

AGENDA ITEMS

1 – Review and Approve Ordinance 2023-09-01 – Annual Appropriations Ordinance for the City of Albion

City Attorney McMurray explained that this ordinance is the next step in budgeting for the next fiscal year. He read a description of the purpose of the ordinance.

2 – Donation Request – Albion Four Leaf Clover Club

No one was at the meeting to present a request.

3 – City of Albion/Albion Highway Interagency Agreement

Mayor Loveland reported that he has been notified that Albion Highway District has the renewal of the City of Albion/Albion Highway District approved and is ready for the City to approve and sign for another year. Loveland explained that this agreement allows that rather than S. Main St. and portions of 900 S’s maintenance broken into several pieces that the agencies agree to have the City of Albion maintain all of S. Main and Albion Highway maintain 900 S. The Mayor asked if the Council was willing to approve him signing the agreement once it is received, on the basis that it is the same as it has been in the past. A motion was made by Carlson to have the Mayor sign the agreement based on the mentioned condition. A second was made by Tolman and approval was given with a vote of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye.

4 – Itinerant Merchant Regulations (Including Food Trucks) and Zoning Use Changes

Mayor Loveland said that because agenda item 4 (Zoning) and item 5 (Itinerate/Food Truck) were all tied together, he would combine them and discuss them all at once. He began the discussion talking about recent interest in food truck placement in the City. He then reviewed some of the basic stipulations on the books for obtaining a license for food trucks (and other transient type selling) within the City limits. A draft document was given to the Mayor and Council showing some potential regulations. Attorney McMurray noted that this would be in addition to the itinerate merchant section and went on to outline some definitions and rules, including provisions that multiple selling site would require separate licenses for each location and the licenses would be non-transferable. He reviewed some proposed exemptions, noting that further scrutiny might be required to address merchants on the 4th of July celebration. Mayor Loveland stated that as of right now, we do not have a “Restaurant” definition in our zoning. There was discussion about how to deal with situations like private property, selling from the sidewalk and possible traffic problems and regulations. McMurray stated that a fee would be established later by resolution as changing a resolution is easier to do when prices need to adjust. Winder asked about bias issues, fingerprinting and background check problems as outlined in the existing “Itinerant” law. McMurray stated that this new food truck ordinance would not require the same things as the existing ordinance. A question was asked by John Davis about how this would affect sales on private property and gave the example of items sold during the Haunted Mansions events. He was answered that there was not an answer on this yet but was something that must be taken under consideration. Pat Field proposed the Council look at doing licenses based on a number of days basis, such as under 30 days having one set of regulations and if they stay over 30 days then other regulations would apply. McMurray asked if the existing “Itinerate” ordinance was something that needed review and the consensus was yes. Loveland stated that he was in favor of having an exemption for those who are invited on to private

property. Linda Prefontaine asked about how this would affect things held in the City Park, such as a community yard sale. The Mayor responded that this needed additional consideration as well as reviewing regulations for profit vs. nonprofit selling. McMurray said that he would take the recommendations put forth and make changes to be presented in the future. Field offered a reminder that liability would most likely fall on property owners. McMurray also brought up that there are also rules about road access on State of Idaho Highways, such as type of approach allowed. Prefontaine raised a concern about someone doing commercial business on private property. Loveland stated that this is something being considered now and brought him to the zoning portion of this agenda item. McMurray asked the Council to take note of proposed additions in blue and deletions in red and asked them to review them and give their input. Loveland noted that “Carwash” was removed and asked if this should still be the case as he had been talked to some recently about the subject. McMurray said that with recent water concerns in the community, this might be something better off removed. The Mayor asked about “Kennels” and noted the definition was 3 or more dogs, cats or other domestic animals and that the definition had existed for a long time, however, it has never been zoned in. Mobile food establishment, being defined now, has been added. Carlson asked about animal unit limitations and how they are determined. He was answered that one animal unit is equal to 1,000 lbs. and that calculations are all based off that. The Mayor stated that animal units allowed in town is probably one of the ordinances with the most active community participation. John Davis said that he noticed antenna as not being defined. He stated that he is involved with ham radios and has an antenna on his home for this purpose and would like to be covered in the zoning chart.

5 – Purchase Approval For Flow Meter on Well 1

Maintenance Director Woodrow stated that he had received an additional bid from Butte Irrigation for a flow meter for Well 1. The bid came in at \$2,500, which is roughly half of the previous bid received. There being no additional questions from the Council, Carlson made a motion to approve the purchase of this flow meter. A second was made by Lloyd and the final vote was: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye.

6 – Review Water Project Contract

Attorney McMurray stated that he had nothing to report on this yet but was working on this currently. Update to follow, possibly by the next meeting.

7 – Review Fees – Park Pavilion Use Fees and Master List of City Fees

Deputy Clerk Bell reported that he had reviewed park/pavilion rental rates around the area. The Burley City parks/pavilions are rented in 4-hour increments and range from \$35 to \$125 based on where you reserve. RV/Tent camping in the area is available at a variety of sites including Idaho State Parks, City of Burley, and Village of Trees. Tent camping was on average \$19/night while RV services ranged from \$25 to \$42 per day depending on the level of services available. Elba Park, which is most comparable to us, has a daily rate of \$200/day with a \$100 deposit. Their pavilion includes a kitchenette, which we don’t currently have yet. Bell reported that our prices are in line with others in the area but can be reevaluated when improvements are made. He also reported that he did not currently have the master list of fees completed but would have it prepared for the next Council Meeting.

8 – Security Camera/Internet Networking Services

Mayor Loveland began by talking about the services being provided through provider ATC Communications, which include security cameras and local network and Wi-Fi management for the City systems. He reported that the current cost of these services is \$275/month for management and \$60/month for equipment lease, leaving a monthly total of \$335 or approx. \$4,020/year. Deputy Clerk Bell shared that he had done some research into this system and stated that this system is well suited to the City’s needs. As a matter of comparison, he investigated the cost of having the City purchase their own system and manage it as well. Bell then showed a slide with two comparisons. The first would be the cost to purchase almost the exact same system that is currently in use for approx. \$2894.60 and the second showing some additional features that would be beneficial to the City for \$3,999.60. Loveland explained that this system provides for future expansion and remote/key card locking (represented in the second option) for buildings like the Civic Center and Pavilion would be better security as well as more convenient. Lloyd said that he liked the idea of the key system but wondered what type of manhours would be needed to maintain the system. Bell estimated that after initial setup, one to two hours per week would be needed to manage the system. Loveland explained that this system is designed to be run with minimal intervention. The Council then discussed the idea of ownership versus having everything managed and that the City could own the system for the cost of one year’s service fees. The Mayor asked if the Council had a decision and Lloyd made a motion to have the City purchase their own system up to \$3,999.60. A second was made by Carlson and the decision was finalized with a vote of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye.

9 – Subdivision Ordinances Progress and Updates

City Attorney McMurray outlined the changes and structure of the working draft of the ordinance. He passed a form to the Mayor and Council showing the addition and deletion wording to make it match the Council’s directions while keeping things legal. One item of change would be to set and date (arbitrarily set as a September day in the draft) to start enforcement of the Subdivision Ordinance. For a split, roughly stated, the process would have an applicant approach the Council for approval. If approved, one plat is signed and then a public hearing would be held and other appropriate processes and then if final approval is granted, the second plat is signed. One item deserving consideration is developers who would want to sell lots prior to infrastructure installation. McMurray stated that the best practice to have all infrastructure installed before sales can begin, but one option is to require a cash deposit of 150% of improvements value to be held by the City until developer completes all improvements. He wanted to get this distributed to the City Council for review to start finalizing details, noting that there are one to two meetings left before we must have a hearing and get approval done before the moratorium expires. Pat Field admonished the Council to make sure the language in the ordinance is very precise. He also presented the idea of including a provision establishing a DEQ “Green Zone” providing local waterway and other environmental issue protections.

10 – Review of Fiscal Year End Budget and Approve Any Final Year End Expenditures

Mayor Loveland took a minute to review the budget of the Fiscal Year that is ending soon. He reviewed some of the budget items and then closed by asking if there were any questions, concerns or final expenses needed. None of the Council members or City Staff did.

INFORMATION FROM CITY OFFICIALS, STANDING SUBJECTS, GENERAL QUESTIONS AND HOC COMMITTEES

Maintenance Director Woodrow said that he is working with Gary Jones Construction on the planning for the park bathroom project. He said that currently there are plans in the works for an addition to the pavilion that includes a kitchenette and bathrooms each with two sinks and two stalls. He hopes to have the plans and costs for the next Council Meeting where it can be evaluated and see about needing additional bids to satisfy the law. **Mayor Loveland** reported that he had recently attended a meeting with other city leadership in Idaho. He stated that the First Amendment training being offered by ICRMP is an excellent tool and asked the Council to take advantage of it. He shared that there have recently been groups approaching smaller cities seeking items of public record while recording and making the situation tense. Then if there is something done incorrectly, they then sue the city. One of these groups is based out of St. Anthony and because of their actions, insurance rates are going to rise due to lawsuit results. Another item reviewed at his meeting is water issues all over the state, with smaller cities being at a disadvantage because they are evaluated on water taken out of the ground but receive no credit for wastewater returned. Loveland reported that the sidewalk bidding period will end this coming Friday and Keller Associates will keep us updated. The Mayor closed by reminding us all of something brought up at the meeting, that more civility is needed in all aspects of city management.

PRESENTATION OF BILLS

PAYEE	DESCRIPTION - NOTES	AMOUNT
Mayor and Council Salaries*	Salary/Payroll	1,700.00
Linda Hutchison - City Clerk/Treasurer *	Salary/Payroll	3,059.00
Deric Bell – Deputy Clerk*	Salary/Payroll	1,472.39
Brad Woodrow - Maintenance Director*	Salary/Payroll	4,800.00
IRS Direct Debit*	EFTPS 941 Tax Sept. 2023*	2,753.81
Ace Hardware	Maint. Supplies, Gloves, Paint, Couplers & Hooks	142.49
ATC Communications	Internet Service	690.60
Beam Insurance *	Dental/Vision Policy*	332.84
Bonneville Power Administration	Electric Power Purchase *	8,019.00
Brad Woodrow*	Reimburse travel expense – Idaho Rural Water training conference	68.31
ClickSend	City text messaging	22.00
Creekside Store	Maintenance Fuel	389.42
C-A-L Ranch Store	Maint. Supplies – 1L Measuring container	9.99
Department of Environmental Quality	Yearly DEQ assessment Service fee	735.00
Deric Bell*	Reimburse for Office supplies from Costco	31.78
ETS	Email License	65.00
GEM state dairy supply	Chlorine & Chlorkem detergent	1,455.21

Idaho Rural Water Association	2-Water tech. Certification Training Course's	240.00
Idaho Transportation Dept.*	Transfer Truck Registration fee	5.15
Kloepfer Inc. *	Sept. Chip Seal – Market, Lounsbury street & Mountain View Drive	59,072.00
Kloepfer Inc.	October. Chip Seal – South Main Street	46,323.31
Keller Associates	Monthly Fee, Environmental, Engineering & Survey Service	18,873.70
K D Company	Lawn Mowing Service	700.00
Kerry McMurray*	Legal Services Sept. 2023*	1,572.50
Lamont Young	Back-Up Operator Fee	300.00
Magic Valley Labs*	Water testing- Aug.	410.00
Magic Valley Labs	Water testing – Sept.	565.00
NORCO Inc.	Safety Materials –	45.00
Office Depot *	Office Supplies - Paper	298.44
Ooma Office*	Phone Service – Office/SCADA Backup *	89.71
PERSI*	Employer Remittance- 9/1/23 –9/30/2023*	1,867.68
Platt Electric	Park Pavilion Lights*	85.74
RAFT RIVER ELECTRIC *	System Maint., Work order	650.05
RAFT RIVER ELECTRIC	System Maint, Work orders	804.55
Select Health*	Insurance Benefits*	2,117.00
Times News	Legals Published – Ordinance NO.2023-09-01	206.09
Tru Green	Lawn service (chemical)	239.62
UAMPS	General A&G Expenses, incentive pmnts.	850.90
Ubiquiti USA *	Security Cameras & equipment	2,858.04
Visa – #2580 L. Hutchison	Quick Books online pmt., Officesupplies-costco, Amazon- office sign stands	294.72
Visa - #3554 B. Woodrow	Home Depot-Miter Saw, Idaho Rural Water Training Expenses - Fuel & Lodging	921.50
Western Waste Services	City Dumpster-	146.04
TOTAL		165,283.58

*Denotes Payments Already Made Pending Council Ratification

COUNCIL ADJOURNS

There being no further business brought before the Council, a motion to adjourn was made by Lloyd, seconded by Carlson, and carried with a vote of: Lloyd-aye, Carlson-aye, Winder-aye, and Tolman-aye. The meeting was adjourned at 9:03pm.


 Isaac Loveland / Mayor


 Deric Bell / Deputy Clerk