

**CITY COUNCIL MEETING
December 20, 2010**

MAYOR & COUNCIL

Lee Hendrickson
Saundra Hubbard
Neal Larson
Travis Kunz
Todd Thomas

STAFF

Jerry Larsen, Clerk/Treasurer
John Balls, Public Works Director
Darek Kimball, City Engineer
Clyde Nelson, City Attorney
Val Sparrow, Police Chief
Wendy Merrill, Clerk

OTHERS PRESENT:

Robert Merrill, Clair Bosen, Phillip Proctor, Margaret Proctor, Leon Henrichs, James K. Jensen, John Van Vleet, Howard Thomas, Sheridee Earl, Lyle Porter, David Harris, Kaysen Christensen, Courtney Coulson, R.J. Harris, Cody Smith, Ethan Gilbert, Curtis Gilbert, Kyler Burbank, Colten Harris, Brent Roberts, Ken Degn, Laurie Bostwick, Jesse R. Earl, Sam Rallison, Pat Rallison, Adam McKenzie

Council Meeting was called to order at 4:30 P.M. by Mayor Hendrickson.

Roll
Call

Roll Call of Councilmembers showed the following members present:
Hubbard, Larson, Kunz, Thomas.

Councilmember Kunz declared a conflict of interest with the New York Deli Pergolas, due to the fact that he provides accounting services for this business.

Councilmember Thomas declared a conflict of interest with the business license for Chad Mangum (Access Homecare & Hospice), stating that his employer also contracts with this business.

Item
Added To
Agenda

Mayor Hendrickson proposed the addition of one item to the agenda. It was moved by Councilmember Thomas and seconded by Councilmember Hubbard to add the following item to the agenda:

Appointments to the City Recreation Board due to the expiration of two terms of office, and the acceptance by the proposed replacements not being finalized until after the agenda was posted.

This received unanimous approval.

Consent
Calendar

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the City Council's agenda packet regarding these items.

- A. Council Minutes (November 22, 2010)
- B. Bills (December 20, 2010)

It was moved by Councilmember Kunz and seconded by Councilmember Larson to approve the items listed on the consent calendar. This received unanimous approval.

Mayor's
Annual
Report

Mayor Hendrickson thanked the Citizens of Preston for their confidence and support of the Mayor and Councilmembers. He thanked City Clerk Larsen and his staff, Public Works Director Balls and his crew, and Police Chief Sparrow and his Officers for their hard work and dedication to the City of Preston. He thanked City Attorney Nelson and City Engineer Kimball for their services, and the Planning and Zoning Board, Recreation Board, and Festival of Lights Committee for their service. He also thanked City Inspector John Burg and County Commissioner Scott Workman for their contributions. He then highlighted some of the City's accomplishments during the past year. Among them were the purchase of space in water pipelines, road improvements, rebuilding of a railroad crossing, the purchase of equipment and vehicles for the Public Works and Police Departments, the new sewer system on first South, the construction of a storage facility for City records, City Clerk Larsen's maintenance and updating of computer systems for all departments, and the progress of a Flood Grant to help control flooding problems in the City. A hazardous mitigation plan was signed and the East Oneida Project is moving ahead on schedule. A Welcome sign was erected on Highway 91. He then urged the City to be fiscally responsible in these difficult economic times to better serve our Community and it's Citizens.

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Business Licenses

The following business licenses were presented:

Shannon Mann (Shani Mann Cleaning)

It was moved by Councilmember Hubbard and seconded by Councilmember Larson to approve the above business license. This received unanimous approval.

Chad Mangum (Access Homecare & Hospice)

It was moved by Councilmember Hubbard and seconded by Councilmember Kunz to approve the above business license. The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Larson	Aye
Councilmember Kunz	Aye
Councilmember Thomas	Abstain

Motion passed by majority vote.

Randy Meek (Meek Roofing)

It was moved by Councilmember Hubbard and seconded by Councilmember Larson to table the above business license until Mr. Meek shows a valid State Contractor's License. This received unanimous approval.

SEICCA Bond Refund

It was moved by Councilmember Larson and seconded by Councilmember Thomas to refund the improvement bond to SEICCA and Robert Smith, 530 S. 3rd E., in the amount of \$1,160.51. This received unanimous approval.

Rezone Request 777 S. Hwy. 91

James K. Jensen applied for a rezone on property located at 777 South Highway 91, from Residential A-1 to Business C-2. It was moved by Councilmember Larson and seconded by Councilmember Hubbard to have City Clerk Larsen schedule a Public Hearing before the Planning and Zoning Commission for this rezone request. This received unanimous approval.

Water Drainage at Green-Pointe Estates

Sheridee Earl and several residents of Greenpointe Estates were present to address the issue of flooding in the Greenpointe Estates Subdivision. After input from John Van Vleet of the Preston Golf and Country Club, Lyle Porter and Clair Bosen of the Preston Whitney Irrigation Company, City Attorney Nelson, Mayor Hendrickson and the Council, it was determined that a committee be formed consisting of Howard Thomas from the Greenpointe Estates Homeowners Association, Lyle Porter from Preston Whitney Irrigation Company, John Van Vleet from the Preston Golf and Country Club, Mayor Hendrickson, County Commissioner Scott Workman, and a representative from the State Highway Department to find short term solutions to this problem.

New York Deli Pergolas

Mayor Hendrickson updated the Council on the status of the pergolas on the sidewalk in front of the New York Deli, located at 36 North State Street. In the License Agreement signed with the City of Preston, the New York Deli agreed to remove the pergolas by October 1, 2010. Police Chief Sparrow informed the Council that he made contact with the New York Deli on October 20, 2010 and asked them to remove the pergolas by November 1, 2010. As this was not complied with, he again contacted them on November 1, 2010 with the same result. Chief Sparrow contacted them a third time in the middle of November and again no action was taken. City Attorney Nelson then sent a letter dated December 3, 2010 giving them five days to remove the pergolas. Again the New York Deli ignored this request. After Council discussion, it was moved by Councilmember Hubbard and seconded by Councilmember Thomas to allow Police Chief Sparrow to issue a citation to the New York Deli giving them fourteen days to either remove the pergolas or have the City remove them and store the pergolas at the rate of \$100.00 per unit, per month. City Attorney Nelson was directed to send a letter to the New York Deli informing them of the Council's decision. The vote was as follows:

Councilmember Hubbard	Aye
Councilmember Larson	Aye
Councilmember Kunz	Abstain
Councilmember Thomas	Aye

Motion passed by majority vote.

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- Chateau Mill Assignment Of Lease It was moved by Councilmember Larson and seconded by Councilmember Kunz to authorize City Clerk Larsen and Mayor Hendrickson to sign the Assignment of Lease between Chateau Mill and Ireland Bank after corrections to the current Mayor's name and the spelling of the City Clerk's name. This received unanimous approval.
- Festival Of Lights Review Councilmember Hubbard reviewed this years Festival of Lights with the Council. She informed them that the Festival exceeded their budget by \$1,000.00. She also explained that the electrical system needs to be replaced at a cost of approximately \$96,000.00. The Council discussed various options and wondered if it would be possible to replace the electrical system in sections. Councilmember Hubbard stated that she would look into this option.
- Majestic View Estates Annexation Water & Request For Water Connection Sammy Rallison, of Majestic View Estates, was present with his Attorney, Adam McKenzie, to address the Council regarding his request for water connections to parcels 3 & 4 on the west side of his property. City Attorney Nelson advised that after consulting with City Engineer Kimball, they agree that Mr. Rallison should be required to submit a Subdivision Plat. Further, since the parcels do not front a public street, a public street must be constructed to comply with the Subdivision Ordinance. This would require the extension of 8th South and construction of approximately 1100 East in front of parcels 3 & 4. All lots, regardless of size are required to front upon a public street, not a private driveway or road. Placement of water meters on these lots would be another concern, since the meters are installed in the public street frontage. According to the City's annexation water ordinance these lots will also require eighteen acre feet of water per parcel, totaling thirty-six acre feet of water needed to develop these parcels. Adam McKenzie stated that according to his understanding of the City Ordinance, the amount of water required to be transferred to the City upon development of the property annexed to the City shall be the number of shares equal to one acre foot for the first unit of any multi-family dwelling. He stated that Mr. Rallison is only building one home per parcel. City Attorney Nelson reminded Mr. Rallison and his Counsel that the Annexation Agreement signed by Mr. Rallison in the 1990's clearly states three acre feet of water be provided per acre. After Mr. Rallison's input and Council discussion, it was moved by Councilmember Larson and seconded by Councilmember Thomas to table this issue to allow Mr. McKenzie time for further review and to place the matter on the Council agenda for January 24, 2011. This received unanimous approval.
- Contract With City Engineer It was moved by Councilmember Larson and seconded by Councilmember Hubbard to approve a Professional Services Contract between the City of Preston and JUB Engineers, Inc. for city engineering services for a period of one year. This received unanimous approval.
- Recreation Board Appt's - Coy Pratt & Reid Carlson Mayor Hendrickson appointed Coy Pratt and Reid Carlson to the Recreation Board to fill the vacancies of outgoing board members Shane Lind and Riley Reynolds. It was moved by Councilmember Thomas and seconded by Councilmember Hubbard to approve the appointments of Coy Pratt and Reid Carlson to the Recreation Board, for terms of three years. This received unanimous approval.
- Cable TV Franchise Agreement City Attorney Nelson reviewed the Cable TV Franchise Agreement and discussed it with the Council.
- Police Report Police Chief Sparrow gave the Council a monthly report on the activity in the Police Department and read an e-mail received from Officer Chad Dunn, who is currently serving in Afghanistan.
- It was moved by Councilmember Thomas and seconded by Councilmember Kunz to adjourn the meeting at 6:42 P.M. This received unanimous approval.

Jerry C. Larsen, Clerk

F. Lee Hendrickson, Mayor